Comment 946 (continued)

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32.2.3C

32.14.3S

32.2.13Q

EPA Region 8 Detailed Comments
West Davis Corridor Draft EIS

Baseline for Effects Analysis

When evaluating effects of project alternatives, the Draft EIS does not consistently present results in a way that clearly identifies the baseline against which impacts are measured. Specifically, it is not clear whether project's effects are measured against the No Action alternative or existing conditions. Additionally, the No Action impacts are not included as part of the comparison summaries throughout much of the document (e.g., Table 14-42, Appendix 14C). Consistent inclusion of the No Action alternative within the impacts analyses summaries is important to presenting the magnitude of the environmental effects of the various alternatives.

Recommendation: The EPA recommends providing clarification on the benchmark for comparison wherever the Final EIS describes impacts. Please also include data for the No Action alternative (and existing conditions if applicable) when presenting results of the impacts analyses.

Wetlands and Aquatic Resources

Mitigation
The Draft EIS notes that, "the planning and design process for the WDC avoided and minimized impacts to wetlands and waters of the U.S. by shifting the alignments and constructing retaining walls to the extent possible…" (26-19). It is important to note that the examples provided in this section of the Draft EIS represent minimization activities only. For purposes of permitting the discharge of dredged or fill material under the CWA Section 404 regulations, a permit applicant must sequence actions – first avoiding impacts to the aquatic ecosystem by selecting the least damaging alternative, then minimizing impacts of the alignment through activities like those listed above, and finally mitigating for any unavoidable adverse impacts. The CWA regulations do not allow an applicant to provide additional compensation for an alternative with greater effects to waters of the U.S., as these larger effects would be considered avoidable by selecting a less damaging alternative. Only unavoidable adverse effects are compensated through mitigation.

Recommendation: Please clarify in the Final EIS the CWA implementing regulatory requirement to sequence avoidance, minimization and mitigation activities for a project, and clarify what activities minimize impacts versus mitigate for unavoidable adverse impacts.

Presentation of Environmental Impacts
Under the CWA Section 404(b)(1), secondary (indirect) and cumulative impacts to waters of the U.S. need to be evaluated by the Corps' in making its CWA Section 404 permitting decision for the discharge of dredged or fill material into waters of the U.S.. While the Draft EIS provides a fairly comprehensive analysis of indirect effects to aquatic resources, aquatic wildlife habitats and aquatic dependent wildlife species, we are concerned that the Draft EIS alternatives analysis does not present these natural resource impacts in the same way for all road segments. Specifically, the results of these analyses were not consistently included in the environmental impacts discussion for the locally preferred alternative in Chapter 2. For example, the importance of marsh, playa, riparian and water habitats, was highlighted – noting their rarity and value in the WDC study area. This was a component of the rationale for selecting the Bluff Road (B) alignment as the locally preferred alternative. However, similar effects to these important resources were neither discussed nor considered in the rationale for the northern and southern alignments of the locally preferred alternative. For example, in the southern portion of the project, Glovers Lane would impact 634.6 more acres of GSL wildlife habitat within the 1,300 foot buffer zone, including 265.9 acres of aquatic wildlife habitat and impacts to the Farmington Bay Wildlife Management Area, than Shepard Lane.

Throughout Section 2.4, the characterization of wetland impacts, in particular, the relative impact to wetlands by the Glovers and Shepard Lanes focuses only on the direct impacts within the ROW and does not discuss the substantial secondary impacts. Secondary impacts need to be considered in identifying the least environmentally

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damaging practicable alternative (LEDPA) for purposes of CWA § 404 permitting. The secondary impacts of a Glovers Lane alternative far exceed those of Shepard Lane. For example:

- Page 2-78 and 2-83 state that Glovers Lane would have 0.5 acres more wetland impacts. This statement does not take into consideration impacts to wetlands within 300 ft. of the ROW, or aquatic habitats and aquatic dependent wildlife species out to 1300 ft., both of which should be considered in identifying the least environmentally damaging alternative. Once these impacts are considered, the aquatic resource impacts of Glovers are much more significant, with almost 14 acres more impacts to wetlands within the 300 ft. ROW and almost 260 acres more impacts to aquatic wildlife habitats within 1300 ft. of the ROW.
- Page 2-83 states that the riparian wetland types located along Haight Creek are less common in the WDC study area. While the riparian wetland types may be less common in the study area, the wetlands adjacent to Great Salt Lake represent a critically important resource of global significance, and their habitat values are critical for many species of migratory birds and other wildlife species. As such, it may be a greater priority to avoid impacts to the wetlands adjacent to Great Salt Lake.

Recommendation: We recommend that the Final EIS analyze and present all direct and indirect (secondary) impacts to aquatic resources and aquatic wildlife habitats consistently throughout the document for all segments of the project.

Wildlife Buffer Zone Analysis:
The 1,300-foot buffer zone analysis does not fully estimate the potential impacts to aquatic wildlife habitats and aquatic dependent wildlife species. As USFWS has noted in previous cooperating agency letters and notes, roadways of comparable size and capacity to WDC can have impacts to wildlife habitat, including aquatic habitats, which extend at least one kilometer from roadways. Potential impacts beyond 1,300 feet were not discussed or quantified in the document.

The DEIS draws conclusions on the magnitude and extent of wildlife effects largely based upon results from the *Legacy Avian Noise Study*. This study has only limited applicability to the habitat types in the WDC project area, and does not address impacts to non-avian species, rare avian species, or non-noise related roadway impacts.

Recommendations: In order to evaluate the full potential effect of the project on aquatic wildlife habitat functions, we recommend extending the analysis out to 3,280 feet (1 kilometer) from the right-of-way. Please update Table Chapter 14 and 24 to include the acres of wetland habitats and upland wildlife habitats indirectly affected by WDC within a 4th buffer zone that extends from 1,300 feet to 3,280 feet from the right-of-way.

We suggest the Final EIS include in this analysis the wildlife impacts associated with multiple impact factors, including noise, lights, direct mortality, nesting/breeding impacts, and invasive species impacts. We recommend these factors be analyzed using a Habitat Equivalency Analysis framework, which could also be used to determine the appropriate level of mitigation necessary to offset these impacts in important wildlife areas, including many of the affected preserve areas and 4(f) properties.

We recommend FHWA use the best available scientific information, specifically the detailed literature review provided by the USFWS, to draw conclusions on the potential for wildlife impacts. We also recommend that the Final EIS discuss the limitations of the Legacy Avian Noise Study and how these limitations may affect conclusions based upon the study.

Wetland Functional Analysis
For this project, UDOT used a streamlined version of its rapid wetlands functional assessment. This method compressed the four categories of wetland quality from UDOT's original rapid assessment tool into three, making UDOT Category IV equivalent to low quality, Categories II and III equivalent to medium quality and Category I equivalent to high quality. While Category I (high quality) wetlands are fairly rare, Category II wetlands are more abundant, but still provide a similar high level of function. The original UDOT rapid wetland assessment method describes Category II wetlands as, "those that provide habitat for sensitive plants or animals, function at very high

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levels for wildlife/fish/amphibian habitat or are assigned high ratings for many of the assessed functions and values." Because Category II wetlands are considered medium quality under the streamline method, they are not treated as high quality resources in the DEIS analysis, and the importance of Category II wetlands is reduced with this approach.

On page 14-6, the Draft EIS states that the resource agencies agreed to use of the streamlined version of the UDOT Functional Assessment Method. Over the last several years, the EPA provided feedback on the streamlined version of the UDOT Functional Assessment Method, but we did not provide concurrence on the use of this method. While the method is sufficient to provide an indication of the wetland quality within the project area for purposes of the Draft EIS, we have consistently expressed uncertainties about its accuracy in several geographic areas of concern and wetland types.

Recommendations:
We recommend the Final EIS include the UDOT Functional Assessment Method definition of the importance of Category II wetlands and specify the impacts to Category II wetlands from each alternative everywhere that Category I impacts are specified.

We continue to recommend that UDOT conduct the full UDOT Rapid Wetlands Functional Assessment for the FHWA preferred alternative and include results in the Final EIS to support the CWA Section 404 permitting process.

Correction needed:
The Draft EIS states that the Corps will conduct a CWA Section 404(b)(1) alternatives analysis and select the LEDPA. This statement incorrectly assigns the role of identifying the LEDPA to the Corps. Pursuant to 40 C.F.R. § 230.10, an applicant must provide sufficient information to show that there are no other less damaging practicable alternatives to the proposed action. The Corps cannot issue a permit for a discharge of dredged or fill material if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. 40 C.F.R. § 230.10(a).

Indirect Effects Analysis
Indirect effects to wetlands and aquatic wildlife habitats are presented in both Chapter 14 and Chapter 23 of the Draft EIS. This can be confusing to the reader.

Recommendation: We recommend that these effects be cross referenced in both chapters so the combined effects can be considered together – cross referencing is only included in Chapter 14, but not Chapter 23.

We are concerned that the indirect effects of WDC due to induced growth are underestimated in the Draft EIS. It is unclear what baseline was used to compare WDC induced growth effects. It is also unclear how the study team was able to differentiate between induced growth effects from WDC and anticipated growth in the project area *without* WDC, especially considering that a variation of WDC is incorporated into cities' land-use and transportation plans.

Recommendations: We recommend the Final EIS describe the difficulties in accurately predicting induced growth effects. We also recommend the Final EIS provide clarification of the baseline for this analysis, as well as additional discussion on how WDC alternatives are already influencing land-use and transportation plans for the municipalities in the project area.

The Draft EIS notes that because WDC alternatives would bisect the conservation easements associated with the GSL Shorelands Preserve, it may be "more difficult for the City to uphold the easements east of the WDC and potentially allow development between the existing developments and the WDC." (23-9) A permitting decision would consider wetland areas affected by this bisection and loss of conservation protection as secondary effects under CWA 404, and mitigation would be required to offset these losses.

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32.24G

Recommendation: We recommend that the Final EIS include information regarding the acreage of wetland and wildlife habitat areas potentially affected by the loss of conservation protection on the eastern side of the proposed WDC. We recommend that the Final EIS identify mitigation for impacts to any areas that will potentially lose protective status, in particular wetland and wildlife areas within conservation easements, Migratory Bird Protection Areas and the GSL Shorelands Preserve.

Cumulative Effects
Section 24.4.1 documents the extent of the wetlands and wildlife habitats in the impact analysis area. It is unclear from the Draft EIS how wildlife habitats were estimated.. Also, it is unclear how much of the 45,000 acres of wetland and wildlife habitat referenced in this section is actually wetland habitats, as opposed to upland wildlife habitats.

Recommendation: We recommend the Final EIS clarify the methodology for estimating the wildlife habitats in the impact analysis area. We also suggest the Final EIS differentiate between aquatic wildlife habitat acreage and upland wildlife habitat acreage.

In addition to considering impacts of the WDC within the impact analysis area, it is important that the EIS discuss the cumulative impacts to floodplains, wetlands and wildlife habitats along the eastern shore of GSL. Following the development of Legacy Parkway, as well as the expanding development around I-15, these wetlands and habitat bands have narrowed. The WDC project and development in the project area will further constrict habitat in this area. Similarly, long-term transportation plans have WDC extending further to the north into Weber County. The WDC extension would further reduce the habitat areas along the eastern edge of GSL.

Recommendation: We recommend the cumulative impacts to the habitats on the eastern shore of the GSL be discussed and considered in the Final EIS cumulative effects analysis, including past and foreseeable future development of roadways along Great Salt Lake immediately outside the project area. For floodplain impacts, we recommend the Final EIS analyze the potential for the highway design to alter the way flooding occurs and influence development patterns in floodplain areas.

Mitigation for Indirect Effects

The Draft EIS does not identify mitigation measures for the indirect or secondary impacts of the WDC. We understand that FHWA would not necessarily be able to require these mitigation measures pursuant to its authorities, and that mitigation for WDC would largely be implemented through agreements, zoning plans and ordinances, and easements. Nevertheless, a discussion of planned and proposed mitigation measures is important to include in the EIS.

Recommendation: We recommend that the Final EIS include a comprehensive mitigation plan to address the indirect impacts of the WDC. Please identify the roles of local communities and other land managers in implementing mitigation measures.

It appears that the WDC roadway could act as a dam affecting future and existing developments. As the area along the WDC becomes more densely developed, flow rates will increase. This has been demonstrated by the recent flooding problems in Weber County as development has occurred, increasing runoff and peak flow rates, causing streams to become incised.

Recommendation: We recommend analyzing the potential for localized flooding in the Final EIS indirect impact analysis and including design features that would limit or prevent the road from acting as a dam for surface and groundwater flow.

Water Quality

The maximum loading of Total Dissolved Solids (TDS) projected in Table 13-8 appears to underestimate loading to receiving waters. Loading from a 6" storm would result in three total applications of salt as opposed to the two

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salt applications referenced in the table, based on the UDOT practice of applying salt at the beginning of a storm with subsequent applications after each 3" of snow. This 150% increase in salt loading would result in 1,164 mg/L of TDS loading. While this increase would not exceed the agricultural use instream standard of 1,200 mg/L, it is important to accurately project TDS loading for agricultural uses given the agrarian nature of the project area.

Recommendation: We recommend revising the TDS loading projections in the Final EIS as discussed above.

In Section 25.3, the State permits section does not include the Municipal Separate Storm Sewer System (MS4) general permit (UTR090000) administered through Utah DEQ. While not a requirement for construction, coordination will need to occur between UDOT and the various municipalities covered under the MS4 general permit so that maintenance requirements under that permit for stormwater facilities (e.g., ponds, swales) can be met. This would include transfer of as-built specifications and maintenance requirements for BMPs to each of the affected municipalities. It is unclear if the Project's stormwater retention ponds are sized to meet a specific storm event (e.g., the 2-year, 24-hour event).

Recommendations: We recommend including a discussion in the Final EIS regarding the MS4 general permit. We also recommend including clarifying information in the Final EIS to demonstrate the detention and retention ponds are sufficient to meet their intended purpose and that they meet municipal design requirements administered through the MS4 permit.

Air Quality Analysis

The Draft EIS concludes that the project will not impact current and future air quality conditions, but lacks documentation to support this conclusion. The project will be located in part of the Salt Lake City-Ogden-Clearfield Combined Statistical Area (CSA) which the EPA designated as nonattainment for the 2006 24-hour 35$\mu g/m^3$ $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS) (see 74 FR 58688, 11/13/09). The EPA has evaluated current, certified $PM_{2.5}$ data for 2010 through 2012, and these data confirm that the Salt Lake City-Ogden-Clearfield CSA area continues to be in nonattainment for the 24-hour $PM_{2.5}$ NAAQS. We note that the EPA has been working with the Utah Division of Air Quality as they are addressing a number of challenging issues in developing a State Implementation Plan (SIP) revision that will be able to demonstrate that the Salt Lake City-Ogden-Clearfield CSA area can eventually meet the 2006 24-hour $PM_{2.5}$ NAAQS.

Recommendation: We recommend the Final EIS include documentation to support the no impact finding for the $PM_{2.5}$ nonattainment area.

Quantitative Analysis for CO, PM_{10} and $PM_{2.5}$

The WDC project is not in a carbon monoxide nonattainment or maintenance area, and the Draft EIS indicates that the project is not considered a project of air quality concern for purposes of hotspot emissions modeling. We appreciate that the Draft EIS includes both carbon monoxide and $PM_{2.5}$ / PM_{10} hotspot modeling information. To further inform the public, it would be helpful to include additional documentation and some additional detail on the modeling description with the tables of results.

Recommendations: The EPA recommends that a combination CO hotspot and PM hotspot technical appendix be provided as part of the Final EIS, detailing how the hotspot modeling was performed that resulted in the final concentration figures presented in Table 11-11 on page 11-26, and in Table 11-12 on page 28 of the Draft EIS. We recommend this appendix include, but not be limited to:

- the intersection analysis selection (LOS);
- criteria for siting intersection receptor locations;
- a map depicting the intersection (its geometry) with the receptor locations and the maximum concentration receptor noted (e.g., located on a Google Earth™ photo);
- discussion on how the background CO and PM concentrations were derived (especially with relevance to footnote "b" of table 11-12) from the relevant years of monitoring data;

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- expanded discussion on the methodology for developing and selecting meteorology data (min/max temperatures, wind direction data, etc.) (See DEIS page 11-28);
- the date and version of CAL3QHCR that was utilized; and
- full information on how the MOVES modeling was performed to generate the required vehicle emission factors that were used in the hotspot modeling.

For a good example of how a project-level PM quantitative analysis has been documented, we recommend a review of Appendix I ("Air Quality Technical Report") of the Elgin-O'Hare West Bypass Final EIS in Illinois: http://www.elginohare-westbypass.org/Tier%20Two%20Final%20EIS/Forms/AllItems.aspx?RootFolder=/Tier%20Two%20Final%20EIS/Tier%20Two%20Final%20EIS%20Appendix%20Material&FolderCTID=0x012000EAB6AF1F11176D4F9CC7E930C18369A7&View={E305E2DE-E8D8-4EAE-90CC-A874643BC92F1.

Criteria Pollutants Emission Inventory

The emissions inventory for criteria pollutants, along with Table 11-7, notes that emissions were evaluated for the years 2009 and 2040. The EPA is concerned that interim year emissions that were not evaluated may show higher levels than year 2040. For example, the Wasatch Front Regional Council (WFRC) air quality conformity analysis indicates that NOx and $PM_{2.5}$ precursor emissions are considerably higher in both 2015 and 2020 as compared to 2040.

Recommendation: The EPA recommends that the Final EIS analyze interim year emissions to assure that the timing and significance of impacts are understood through the full analysis period. With respect to information for predicted future year interim emissions, we have provided a weblink to the WFRC's air quality conformity analysis, "Air Quality Memorandum 28," at: http://www.wfrc.org/air_quality/AQ%20memo28_RTP2040_FINAL.pdf

In addition, when reviewing the WFRC's Air Quality Memorandum 28, please be aware that WFRC updated that document on September 25, 2012, to reflect the revisions to Tables 12a and 12b (that address minor clerical errors).

Mobile Sources Air Toxics (MSAT)

The Draft EIS references the FHWA MSAT guidance document of December, 2012 on page 11-17. Please note that FHWA did not seek concurrence from the EPA's Office of Transportation and Air Quality (OTAQ) in development of this interim guidance document and the EPA does not endorse FHWA's 2006, 2009, and 2012 MSAT NEPA guidance documents. This guidance does not discuss epidemiological studies on near road health effects of MSATs, although the December 6, 2012 document reflects the transition from MOBILE6.2 to MOVES as a preferred model for MSAT emissions analyses in NEPA and updates some of its language on recent studies on near-roadway air quality and health. This revised document maintains the focus of earlier FHWA interim guidance documents in avoiding any analyses beyond emissions analysis. The EPA anticipates that the language in this document will continue to be the basis of future NEPA analyses conducted by state departments of transportation.

Recommendation: We recommend that the Final EIS include a discussion regarding these policy differences (as FHWA has done in previous EISs) to reflect that the EPA is not recommending or endorsing the new interim guidance.

Meteorological Data

Footnote "a" of Table 11-12 indicates that background concentrations used for PM hotspot modeling were derived from 2009-2011 ambient monitoring. The Draft EIS is not clear about whether the meteorological conditions associated with these ambient monitored values correlate with the conditions used from 1995 through 1999. This lack of clear correlation for the selection of meteorological data also applies to footnote "c" of this table. A meteorological modeling data set from 1995-1999 is identified as representative of typical conditions along the Wasatch Front; however, the Draft EIS does not include further discussion as to how this conclusion was reached. Also, the Draft EIS does not discuss if the Utah Division of Air Quality concurred with this conclusion for the use

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of the 1995-1999 meteorology data set with respect to the background concentrations used in the hotspot modeling. The EPA appreciates the commitment to updated modeling as appropriate in the Final EIS with regard to the background data used in footnote "b" and the ongoing development by the State of the Salt Lake area's 2006 24-hour $PM_{2.5}$ NAAQS SIP element.

Recommendation: We recommend that discussion be included in the air quality modeling technical appendix as part of the Final EIS to provide clarity regarding the selection of meteorological data. We recommend that additional supporting documentation be added to the air quality modeling technical appendix to further detail the State's potential control strategies and implementation schedule that would lead to the lower modeled $PM_{2.5}$ values in 2019.

Road Dust and the PM_{10} Analysis

32.11.4E

The Draft EIS does not indicate whether re-entrained road dust was included for the PM_{10} project-level quantitative analysis. Consideration of road dust from current and projected Vehicle Miles Traveled (VMT) increases is a required component for a PM_{10} analysis and could be a significant factor in the modeling input and results.

Recommendation: The EPA recommends that the project-level quantitative analyses for PM_{10} and $PM_{2.5}$ in the Final EIS and the recommended air quality technical appendix indicate if re-entrained road dust was included in the modeling. Assuming that re-entrained road dust was included in the analysis, as is required for PM_{10}, please include a discussion of how the road dust emissions were calculated along with appropriate references (i.e. AP-42, Chapter 13.2.1).

Air Quality Mitigation

32.11.4F

Regarding air quality mitigation for construction emissions, there is a general lack of consideration for air quality monitoring.

Recommendation: The EPA recommends UDOT consider potential monitoring for air quality during construction activities, as appropriate. Factors to consider include the immediate proximity of a highway project to homes, schools, businesses, and other sensitive populations. Although BMPs will be utilized during construction, potential localized impacts from $PM_{2.5}$ and PM_{10} emissions could occur. We also recommend that a monitoring plan be designed to demonstrate how well the preferred alternative resolves the identified issues and concerns by measuring the effectiveness of the mitigation measures in controlling or minimizing adverse effects.

Cumulative Impacts

In the portion of the cumulative impacts section of the Draft EIS that addresses air quality, there is no chart that displays $PM_{2.5}$ 24-hour values with respect to the 2006 24-hour $PM_{2.5}$ NAAQS. We note that the Salt Lake $PM_{2.5}$ 2006 24-hour NAAQS nonattainment area includes both Davis and Weber counties.

32.24H

Recommendation: We recommend that the Final EIS include a chart that displays $PM_{2.5}$ 24-hour values with respect to the 2006 24-hour $PM_{2.5}$ NAAQS. Also, 2012 verified ambient air quality data are available from the Utah Division of Air Quality, and we recommend this information be included in the Final EIS.

In the portion of the cumulative impacts section that addresses future trends in air quality, the Draft EIS states: "Regional air quality modeling conducted by the WFRC for the 2040 transportation conformity determination demonstrated that all regionally significant transportation projects would be in compliance with the National Ambient Air Quality Standards." This statement is not entirely correct and mischaracterizes the most recent conformity determination that WFRC performed.

Recommendations: We recommend the Final EIS include referenced relevant information from the latest conformity determination performed by the WFRC (see: http://www.wfrc.org/air_quality/AQ%20memo28_RTP2040_FINAL.pdf) and the WFRC's regional emissions analysis that evaluated future predicted emissions of both PM_{10} (and its NOx precursor emissions) and carbon monoxide. These emission analyses compared predicted future emissions (using the EPA's MOVES model and

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appropriate emission factors from the EPA's AP-42 document) to the established motor vehicle emissions budgets (MVEB) in the SIP for the applicable nonattainment or maintenance area. Since the State has not finalized the SIP revision attainment demonstration for the Salt Lake 2006 $PM_{2.5}$ 24-hour NAAQS nonattainment area, there are no established MVEBs for $PM_{2.5}$ and NOx with which the WFRC could demonstrate conformity. Therefore, as per 40 CFR 93.119, the WFRC elected to prepare an emissions analysis that compared predicted future year emissions to 2008 base year emission levels for $PM_{2.5}$ and NOx.

We also recommend incorporating into the Final EIS the ambient air quality monitoring data for 2012 that have been verified by Utah Division of Air Quality (UDAQ).

With respect to Table 11-12, we note the $PM_{2.5}$ annual NAAQS is 15 $\mu g/m^3$ and not 12. Also, it is unclear what the values in parentheses represent in this table. Please clarify in the Final EIS if these values relate to the modeling receptor coordinates.

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WEST DAVIS CORRIDOR

Comment 947

Response Section in Chapter 32 ➥

Comment #: 947
Date: 9/6/2013
Source: Email
Name: Oliver Grah
Location: Bellingham

Comments:

The DEIS is comprehensive and covers an extensive area and content. Detail is lacking on wetlands that would allow a fully informed decision to be made from the FEIS. The ACOE should be able to make a fully informed CWA Section 404 decision from this EIS, but detail is lacking on a detailed depiction on the occurrence and distribution of wetlands. I understand why wetlands are dealt with at a reconnaissance level; however, there is a reasonable chance that with a detailed wetlands delineation the impact level may change and make other apparently more impacting alternatives less damaging without the detail necessary at this point. — 32.14.3H

Section 14.4.1.2 - DEIS should also indicate that wetlands are a one of five special aquatic sites. Section 404 regulations apply to special aquatic sites, not just wetlands. Also, CWA Section 404(b)(1) guidelines do not mandate that the least environmentally damaging practicable alternative be implemented. The term "environmentally" was added via policy not regulation. The regulations make no mention of "environmentally." — 32.14.3U, 32.14.3V

Section 14.4.1.2 - see comment on Section 14.4.1.2 above. The wetlands mapping was at a reconnaissance level, not detailed. There is concern that the detail may be lacking to make a well-informed decision in the context of NEPA and CWA Section 404. A detailed wetlands delineation should be accomplished during the NEPA process to support/verify the selected alternative and show to be the least environmentally damaging practicable alternative. Otherwise, there is uncertainty and risk that the selected alternative in reality is not that. — 32.14.3H, 32.14.3E

Section 14.4.3.4 - Most focus is on water quality. There is no or very little discussion on the relationship of wetlands to surface and ground water quantity. This relationship is also needed for the impacts discussion. Recent federal policy requires climate change to be discussed in NEPA. I could not find such information in the DEIS. — 32.13A, 32.11.3A

Table 14-14 - There is little difference between impacts associated with Alternatives A1 through A-4. Thus, the alternatives are essentially on par, given the lack of a detailed wetlands delineation. Same for wetlands within the 300 ft corridor. — 32.31D

Section 20.3.5 - There appears to be no consideration of the relationship between wetlands and surface and ground water in the affected environment and impacts sections. If so, this is a major deficit in the DEIS. — 32.13A

Section 24.4.1.4 - This mitigation section avoids the requirement of mitigation sequencing. The mitigation discussion goes straight to compensatory mitigation. A discussion on avoidance and impact minimization should be included for this section to be consistent with CWA Section 404 requirements. Further, a mitigation measure should include a detailed wetlands delineation to substantiate the least environmentally damaging practicable alternative selection in the NEPA process since mitigation is contingent on an accurate delineation. — 32.14.3S

Section 25.2.1 - There is risk and uncertainty in the NEPA process without the detail necessary to verify the least environmentally damaging practicable alternative. — 32.14.3H

The DEIS should disclose that the predicted impacts to Farmington City relate to future development and that impacts to Kaysville relate to development that is presently in place re: impacts to neighborhoods. — 32.14.3E, 32.5.6J

Comment 948

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Comment #: 948
Date: 9/6/2013
Source: Email
Name: Danny Hafen
Location: Kaysville

Comments:

First of all thank you so much for keeping us, the public informed and updated throughout this process and giving us the opportunity to share our feelings and opinions with you. I have received direct correspondences back from many of my e-mails and truly feel like my feelings and opinions were taking into consideration and I really appreciate it. — 32.30B

One final time I will voice my strong support for the Glover's Lane route based on the following: — 32.2.13B

- Human Impact - The Glovers Lane route has far less human impact. There are hundreds of homes within a mile of the Shepard Lane route that would be impacted and significantly fewer along the Glovers Lane route. — 32.2.6A
- Public Safety - The air quality will negatively impact thousands more citizens if the road was to be built along Shepard Lane. The long-term health impacts of the road being so much closer to so many more people makes the Glover's Lane route the better one. — 32.2.6A
- I-15 Safety - In order to make the Shepard Lane route work it will create one of the most hazardous sections along all of I-15. With so many cars being forced back onto I-15 for a few miles will create one of the biggest bottlenecks in the state and will cause many traffic accidents with so many cars trying to merge in so short of a distance. — 32.2.6A
- True Alternate Route to I-15 - This has been the mission statement of Legacy Highway since its inception and if we have connector roads in such close proximity to I-15 or if we have to dump traffic back onto I-15 in order to make the Shepard Lane Route work than it will destroy the entire mission statement of Legacy Highway as it will no longer be a true alternative to I-15 and the potential to shut down both North and South transportation would be devastating to the entire valley and the mission of Legacy Highway. Glover's Lane is the only way to protect this goal of having a true alternate route to I-15. — 32.2.6A
- Cost - The cost of the Shepard Lane route would be 10's of millions of dollars more expensive to build. Taxpayers don't deserve to pay more money for no real benefit. — 32.2.6A
- Construction delays - The Glover's Lane route will not require any real delays for construction to I-15 as it would be a continuation of Legacy. If the Shepard Route is chosen than it would cause significant traffic and construction delays for a prolonged period of time during road construction. — 32.2.6A
- Wetlands/environment - After the revisions and the advanced studies from the Army Corps and UDOT engineers the number of land is basically a wash. HOWEVER, the quality of wetlands is not a wash. The quality of wetlands that would be destroyed to make the Shepard Route are SIGNIFICANTLY higher than the quality of wetlands along Glovers Lane. — 32.2.6A

There are obviously personal reasons for me in this as well like home value and quality of life for my family but I have truly thought about the non personal impacts of this decision and they clearly point to Glover's Lane as the route that makes the most sense to extend Legacy Highway. — 32.2.13B

Thank you again.

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Danny Hafen

[redacted]

Comment 949

Response Section in Chapter 32 ➥

Comment #: 949
Date: 9/6/2013
Source: Mailed In
Name: Kathleen Clarke
Location:
Comments:
<See attachment on next page, titled DWQ_Dept._of_Agriculture_Letter_9-6-13.pdf>

Comment 949 (continued)

Response Section in Chapter 32 ➥

32.23B

State of Utah
GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor

Office of the Governor
PUBLIC LANDS POLICY COORDINATION OFFICE
KATHLEEN CLARKE
Director

August 27, 2013

Randy Jefferies
Project Manager
West Davis Corridor Team
466 North 900 West
Kaysville, UT 84037

Subject: West Davis Corridor Draft Environmental Impact Statement
RDCC Project No. 38680

Dear Mr. Jefferies:

The Public Lands Policy Coordination Office received the following comments from the Division of Water Quality and the Department of Agriculture and Food regarding the West Davis Corridor Draft Environmental Impact Statement.

Department of Environmental Quality
Division of Water Quality

The Division of Water Quality (DWQ) has reviewed the West Davis Corridor draft Environmental Impact Statement (DEIS) for the proposed corridor in western Davis and Weber Counties. This project has the potential to affect the water quality of the Great Salt Lake and several associated streams. DWQ respectfully requests the following specific provisions be addressed in the revised DEIS:

Chapter 13 Water Quality
No suggested changes.

Chapter 23 Indirect Effects
Section 23.5 Potential Indirect Effects
1) Potential indirect effects should not exclude water quality, especially in the wetlands area.

Comment 949 (continued)

Response Section in Chapter 32 ➥

32.24B
32.25A
32.25B
32.25C
32.2.13F
32.5E
32.5E

Chapter 24 Cumulative Impacts
Section 24.4.3.1 Past Condition
1) In this entire section, change any text that references the "(Division of Water Resources 2000a, 2000b, 2002) to the (Division of Water Quality 2000a, 2000b, 2002).

Chapter 25 Permits and Clearances
Section 25.2.2 Federal Permits, Reviews, and Approval
1) Move "Water Quality Certification 25.2.2" to Section 25.3. Section 401 Water Quality Certification is a State action, not a federal action.
2) Change language to state that **it is the applicant** for the federal permit that must obtain or apply for the Section 401 Certification, **not the USACE**. Please refer to the Clean Water Act, Section 401 Certification (a) (1).
   (a) Compliance with applicable requirements; application; procedures; license suspension
   (1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that any such discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of this title.
3) It is anticipated that UDOT will need to obtain a UPDES General Permit for Construction Dewatering, Permit No. UTG070000. A fact sheet describing the permit requirements and application procedures are located on our web site https://secure.utah.gov/stormwater/main.html.

Please contact Bill Damery at 801-536-4354 or wdamery@utah.gov if you have any questions relative to these comments or requirements.

Department of Agriculture and Food

The Department of Agriculture and Food (DAF) appreciates the opportunity to comment on the West Davis Corridor Alternatives. DAF supports the easterly route through Clinton and West Point, Alternative B1 and B3, over other alternatives. The capacity to grow vegetables in Utah is limited and the agricultural lands through Davis County are among the best in the state. With the population ever increasing, the need to produce food increases as well. The B alternatives, including the easterly route through West Point and Clinton, have far less impact to agriculture and prime soils. These are critical acres for the onion industry in Utah and many other farms. The western route would be destructive to working farms in that area.

These potential impacts are far greater than merely the footprint where the road is placed. It would impact access, irrigation, safety issues with farm equipment, as well as create small tracts of land with odd shapes, making it far less economical to cultivate. In addition,

5110 State Office Building, PO Box 141107, Salt Lake City, Utah 84114-1107 · telephone 801-537-9801

Comment 949 (continued)

Response Section in Chapter 32 ➥

32.5E

Randy Jefferies
August 27, 2013
Page 3

farms add value to wetlands. The farms located next to the wetlands along the Great Salt Lake provide tail-water from irrigation return flows, supply feed for waterfowl, and provide a buffer zone between wetland species and human development. Many acres of farmland have been protected west of Bluff Road through conservation easements and have been placed under Agricultural Protection Areas in an effort to secure the continuation of agriculture and food production.

The State of Utah appreciates the opportunity to review the West Davis Corridor Draft Environmental Impact Statement. Please direct any other written questions regarding this correspondence to the Public Lands Policy Coordination Office at the address below, or call Sindy Smith at [redacted]

Sincerely,

Kathleen Clarke
Director

5110 State Office Building, PO Box 141107, Salt Lake City, Utah 84114-1107 · telephone 801-537-9801

Comment 950

Response Section in Chapter 32 ➥

Comment #: 950
Date: 9/6/2013
Source: Email
Name: Heather Dove
Location: Salt Lake City
Comments:

September 6, 2013

Randy Jeffries
West Davis Corridor Project
Utah Department of Transportation
466 North 900 West
Kaysville, UT 84037
Westdavis@utah.gov

RE: West Davis Corridor Draft Environmental Impact Statement (DEIS) Comments

Dear Mr. Jeffries:

32.1.1C

UDOT states in the DEIS that "the West Davis Corridor (WDC) project was initiated to address the expected population, employment and household growth in western Davis and Weber Counties". In fact the traffic congestion in these counties occurs primarily along the east side of the county where population is most dense and where it will likely continue to be most dense in the future -- unless, of course, UDOT is allowed to enable urban sprawl by going through with this disastrous freeway building plan. Once one has thought about this for a while, one comes to the realization that the WDC plan was not created to serve the people by developing a conscientious, safe, environmentally sound and viable plan to efficiently manage traffic flow. Rather, it was created to further the lifeblood of UDOT officials and the large landowners and real estate developers like Senator Stuart Adams.

32.23A

32.31O

If one traces the history of the WDC, one finds that Senator Adams has systematically orchestrated the whole scheme, from securing powerful positions such as Chair of the Davis County Transportation Task Force, former Chair of the Utah State Senate Subcommittee on Infrastructure and General Government Appropriations, and a current member of the Utah State Senate Standing transportation Committee, to purchasing or already owning lands along the preferred route, to ensuring UDOT receives huge quantities of yearly state sales tax by pushing through Senate Bill 229 in 2011, to likely coaching UDOT on how to set local communities to squabbling with each other in the hopes that it will distract them from the real issues at hand, to making sure that the preferred route does not go and take out his the Kaysville office of his many real estate and transportation related businesses (http://www.utahsenate.org/documents/adams.pdf).

32.31O

Senator Adams by his own admission believes the key to economic health is continuous unbridled growth (http://utahpolicy.com/index.php/features/featured-articles/157-sen-stuart-adams-a-legislative-vision-for-transportation-in-utah). In this article he is quoted as saying "One of the ways we grow the economy…is to have more people move in to the state". When one examines Senator Adams' role in the creation and development of the WDC, it becomes clear that he has tried to sell people on the idea that the only way Utah's economy can stay healthy is to continue to grow the population, thus creating a need for all the new housing and commercial developments he is planning for all the land he owns along the preferred route. (https://www.facebook.com/utahphysiciansforhealthyenvironment/app_460804820676282)

32.31O

Given the above information, we believe the DEIS should be retracted. We ask that you take the highway idea off the table entirely, and instead focus your time and money on the concepts outlined by The Shared Solution (http://www.sharedsolution.org).

32.31Q
32.2.1G

Comment 950 (continued)

Response Section in Chapter 32 ➥

Sincerely,

Heather Dove & David Druker

[redacted]

[redacted]

Comment 951

Response Section in Chapter 32 ➥

Comment #: 951
Date: 9/6/2013
Source: Email
Name: Steve Erickson
Location: SLC
Comments:

<See email attachment on next page, titled 00951_Steve_Erickson_9-6-13>

Please find attached my comments on the DEIS. Thank you.
Steve Erickson

Comment 951 (continued)

Response Section in Chapter 32 ➥

West Davis Corridor
466 North 900 West
Kaysville, UT 84037
westdavis@utah.gov

September 6, 2013

James Christian, Division Administrator
FHWA Utah Division
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118

Dear Sirs:

I submit the following comments regarding the Draft Environmental Impact Statement for the West Davis Corridor Project.

32.1.2A
32.2.2G

The DEIS fails to establish the need for the project, overestimates future travel demand and exaggerates the benefits of the proposed West Davis Freeway (WDF). WFRC data indicate that the WDF will be underutilized by 50% at peak rush hour in 2040. Time savings for commuters would be minimal. This project is not timely, if it is needed at all.

32.2.1G
32.11.1A
32.14.2H
32.12A

The fact that the DEIS fails to consider the Shared Solution does not comply with NEPA requirements to address all reasonable alternatives.

The DEIS fails to adequately assess the impacts of the WDF on air quality in the immediate vicinity of the WD Freeway or in the surrounding region. The DEIS fails to adequately analyze and address the impacts of WDF noise (both construction and operation) on wildlife and on people living and working nearby.

32.23J
32.2.1N
32.14.2H
32.13B
32.8C

The DEIS downplays and underestimates induced growth and induced VMTs should the project be implemented. The WDF will encourage sprawl development, in direct contradiction to the Wasatch Choice 2040 Vision.

The DEIS fails to adequately assess impacts upon the Great Salt Lake ecosystem, including Lake dynamics and hydrology. Impacts upon water quality are addressed only superficially. The DEIS fails to adequately address potential economic impacts to tourism and to other recreational uses of the Lake.

32.14.2H

Impacts to wetlands and wildlife habitat would be permanent, significant, and impossible to fully mitigate. Cumulative impacts to wetland, shoreland, and upland habitats are glossed over.

32.31D

Impacts of the WDF on Section 4(f) properties, publicly owned conservation easements, recreation areas, parks, trails, and preserves are significant, permanent, cannot be fully mitigated, and are therefore unacceptable.

Comment 951 (continued)

Response Section in Chapter 32 ➥

32.2.13C

I may have missed it, but I did not find any reference in the DEIS to the potential safety issue that would be presented by dense and persistent fog that often occurs along the Lake shore, especially during morning and evening peak commuting times and during the winter temperature inversion months. Efforts to mitigate this problem should be addressed.

32.24I

I also did not see any reference in the DEIS to the Davis-Weber East-West Transportation Study (2008). The purported reason for this omission - that it's already part of the approved Regional Transportation Plan – is simply unacceptable. At the very least, the East-West Study should have formed the basis for significant analysis of cumulative impacts, as the WDF is a major component in the E-W Study (even though it is reduced in size from six to four lanes). UDOT is obviously well aware that the projects it plans in the E-W Study will add to the impacts of the WDF and vice versa. Perhaps UDOT prefers not to acknowledge that the $600 million WDF is a relatively "small potatoes" component of the $7.7 Billion in road-building proposed in the E-W Study? How does "finishing" the WDF by extending it to 12th Street in Ogden escape analysis, even reference, in this DEIS? Or the plans for 24 road-widening projects, construction of two new I-15 interchanges? Are these projects not contemplated for construction and use within the same operational time frames and in the same WFRC 2040 Vision as the WDF? Wouldn't a broader environmental impact analysis process, akin to a Programmatic EIS, be appropriate in this instance?

32.1.1A
32.24I
32.2.3A
32.2.1G

I urge UDOT to either adopt the No Action Alternative or to do a full analysis of the Shared Solution alternative before issuing a Final EIS, and if warranted by that analysis, to issue a Supplemental DEIS so the public can review and comment upon a fully prepared and analyzed Shared Solution alternative.

Respectfully,

Steve Erickson
Policy Advocate, Utah Audubon Council
Utah Coordinator, Great Basin Water Network
Member, Shared Solution Coalition

WEST DAVIS CORRIDOR

Comment 952

Response Section in Chapter 32 ➥

Comment #: 952
Date: 9/6/2013
Source: Email
Name: Kurtis Haney
Location:
Comments:

Hi,

32.2.13G I'm a mom of a kid that attends Syracuse arts Academy. I do not want my kid to attended a school where the road like that is right next door. I feel that it would be unsafe and I will most likely pull my kid out of the school and put him in the one down the street from where we live. I'm hoping that I don't have to due this because he is attending a school that has helped him grow leaps and bounds. It also rank better then the school he should be attending on multiple ranks of schools when you compare them. I know that I'm not the only parent that has the same concern but I have to put my kids safety first over learning in a good school.

Thanks
The Haney family

Comment 953

Response Section in Chapter 32 ➥

Comment #: 953
Date: 9/6/2013
Source: Email
Name: Wendi Snell
Location:
Comments:

Thank you for taking the time to read my email.

32.2.13B I want everyone to know that I am STRONGLY OPPOSED to the Shepard Option of the West Davis Corridor.

UDOT has clearly presented the options well and has put so much time and research into this project showing that Glovers Lane is the Preferred option. Who am I to compete with their expertise and knowledge? They have been diligent in showing that 22 out of the 25 criteria for choosing a route was shown to prefer Glovers over Shepard. The studies and criteria alone should be enough to not question where this road should be built.

32.2.6A But I will add a few thoughts. As each time there is a problem on I-15, whether it be a closure of the freeway for 10 hours due to a shooting or a major crash that closes the freeway, I am stuck with nowhere to go except to wait on side streets in long lines trying to get home from work. The last closure sent lines and lines of cars in front of my home while children, my children and neighborhood children, were outside playing. I saw many children running across the streets and riding their bikes between cars to get to their home or trying to get to a friend's home. There wasn't another option for anyone to travel north past I-89 and they were spilling into our neighborhoods.

With this problem alone, choosing the Shepard Option that does not clearly give an alternate route to I-15, the Glovers Lane option should be the ONLY option. Having traffic even come back on to I-15 or run parallel will only create more congestion and cause drivers to exit the freeway early and use side streets. I also witnessed several cars speeding down streets that weren't so crowded in my neighborhood just to see if they could get through the traffic faster and then sneak back into the long line. This is DEFINITELY a safety problem which can be avoided by choosing Glovers.

32.1.2B
32.14.2E I drive every day, Monday - Friday to work in Taylorsville and back to my home (which would be destroyed if Shepard Lane is chosen) during high traffic times. Legacy Highway is my choice of travel to lessen the time I have to drive in traffic. Legacy Highway has improved travel for those going north and south bound through southern Davis County but needs to be extended to the north to allow for the increase in congestion. Legacy Highway has improved travel in this area along with many other issues such as the bird population. I know this is a big argument from the opposing side that if Glovers is chosen, it will hurt the bird population. Please keep in mind the studies that have shown how animal life has improved along the Legacy Highway and that the same will be true if Glovers is chosen.

32.2.6A Now for the issue that is closest to my heart. The Shepard Lane option has 10 homes that will be taken and 0 homes that will be taken with the Glovers option. One of those homes on the Shepard Lane option is mine. I'm sure I don't need to say why I would want to keep my home and the neighborhood my children have grown up in for the past 7 years intact because I'm sure if it were your home that had to be taken from you, you would fight too. This neighborhood has been amazing for my family and we have many friends and close relationships in the Hunters Creek area as well. The Shepard option would divide all that I love and take my kids away from the life they have known for 7 years. If Shepard is chosen there will be 214 homes of my friends that I have spoken of that will be within 300 feet of this road and if Glovers is chosen then there would only be 37 homes. That is a drastic difference.

32.2.13B As you are making your final decision, I pray daily that you will continue to look at all the hard work that UDOT has put into this process and use their analysis in showing that Glovers is the overwhelmingly preferred option

Comment 953 (continued)

Response Section in Chapter 32 ➥ 32.2.13B

here and not be swayed by Activist groups with a lot of power and money.

Thank you for taking the time to read my comments.

I appreciate all that has been done in our behalf and want it to be known that I strongly oppose the Shepard Option.

Thank You!

Wendi Snell

Comment 954

Response Section in Chapter 32 ➥

Comment #: 954
Date: 9/6/2013
Source: Email
Name: Todd Karl Jenson
Location: Farmington
Comments:

<See email attachment on next page, titled 00954_Todd_Jenson_9-6-13>

Subject: Members of Farmington Ranches HOA Comments on WDC freeway DEIS

A prior version of this Comment was submitted previously, but additional people wanted to sign onto this Comment, so a revised final copy is attached with those additional signers. Some additions were also made to text in the body of the Comment.

Comment 954 (continued)

Response Section in Chapter 32 ➥

Members of Farmington Ranches Homeowners Association

September 6, 2013

Randy Jeffries
West Davis Corridor
466 North 900 West
Kaysville, UT 84037
By Email: westdavis@utah.gov

Paul Ziman
James Christian
FHWA Utah Division
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118

Re: Comment on WDC DEIS

Messrs. Jeffries, Ziman and Christian,

The undersigned Members and Homeowners of Farmington Ranches Homeowners Association (Ranches HOA), located in Farmington, Utah, appreciate this opportunity to comment on the proposed West Davis Corridor freeway (WDC freeway) Draft Environmental Impact Statement (DEIS). The undersigned Members have the same legal rights and property interests of other, similarly situated Ranches HOA members. The undersigned Members also support and join with the Comments of the Shared Solution Coalition on the DEIS, dated September 6, 2013. Those Shared Solution Coalition Comments are incorporated herein by reference. In addition to those comments, the Members express their own concerns in this Comment that the B1 alignment of WDC heavily impacts Farmington City, and Farmington Ranches HOA, but the DEIS mischaracterizes, misidentifies, and miscounts the various negative impacts, and fails to address or mitigate those impacts. UDOT also fails to adequately consider other less damaging alternatives, or rather, UDOT incorrectly calculates the costs associated with the B1 alignment and compares them with those costs of other less damaging alternatives. UDOT's preferred local alignment encircles Farmington with freeways, and destroys the land use planning of both Farmington City, and Ranches HOA, severely impacting the thousands of people who live in the Ranches HOA. Those negative impacts, and the flaws of the DEIS are described more fully below.

32.3E

Comment 954 (continued)

Response Section in Chapter 32 ➥

No Purpose and No Need for WDC Freeway

Ranches HOA Homeowners have absolutely no need for more freeways, or for more freeway entrance or exit ramps, because of the relatively small size of Farmington, and because I-15 and Legacy Parkway already bisect Farmington and provide several freeway access points to residents. It is a short drive of a few blocks from Ranches HOA to I-15 and Legacy Parkway entrances. Almost all Ranches Homeowners built and purchased their homes in west Farmington so that they would be further away from the noise, air pollution, and induced commercial development associated with I-15 and Legacy Parkway. Simply put, Ranches homeowners and residents do not want or need the WDC freeway. With regard to the needs of Farmington and Ranches HOA members, UDOT cannot show a purpose and need for the WDC freeway. Instead of WDC freeway, citizens along the Wasatch Front, Farmington residents, and Ranches HOA Members need mass transit on buses and trains with service that is more frequent and cheaper. The Utah Legislature should invest in mass transit, instead of spending hundreds of millions on more freeways, which will only cause more air pollution and traffic congestion. Investing in mass transit is cheaper. WDC freeway competes with mass transit options which will decrease pollution, improve air quality, and reduce the number of miles driven on I-15 and Legacy Parkway.

32.1.2F

32.1.2C
32.2.1A
32.2.1J

International and Local Impacts of the WDC Freeway to Section 4(f) Properties

The Department of Transportation Act (DOT Act) of 1966, implemented in part by 23 C.F.R. § 774.17, prohibits FHWA and other DOT agencies from approving the use of land for highway projects from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless: 1) there is no feasible and prudent alternative to the use of that land; and, 2) the action includes all possible planning to minimize harm to the property resulting from use. These special properties, recognized and protected under Federal law, are referred to as Section 4(f) properties.

The B1 route, selected by UDOT as its preferred local alternative, impacts Section 4(f) properties in Farmington, which make part of Ranches HOA. The State of Utah and UDOT lost in prior litigation over the Legacy Highway construction project, because as defendants they neglected to adhere to the requirements of Federal law regarding the NEPA process, recognizing and protecting wetlands and Section 4(f) properties around the Great Salt Lake. The litigation, and the Settlement Agreement that resolved that litigation dealt with the specific geographic area from Shepard Lane in Farmington to the I-215 interchange at the south end of Davis County. The Tenth Circuit Court of Appeals in Denver, Colorado, recognized the international significance of this defined geographic area:

32.27A

32.31D

> The Great Salt Lake ("GSL") and the wetlands surrounding its shoreline serve as an important habitat for a variety of birds, reptiles, amphibians, and mammals, some of which are endangered. The wetlands of the GSL account for 75 percent of all wetlands in the State of Utah, whose total land area consists of only 1.5 percent wetlands. The shores of the GSL are internationally important because they are a link of the Pacific Flyway for migratory waterfowl and a link of the Western Hemisphere Shorebird Reserve Network ("WHSRN"). Some two to five million birds use the GSL yearly and 90 percent of that use is concentrated in the eastern shore.

Utahns for Better Transportation v. UDOT, 305 F.3d 1152 (10th Circuit, 2002).

Comment 954 (continued)

Response Section in Chapter 32 ➥

32.27A

32.14.2N

32.27A

32.27A

According to Federal Highway Administration (FHWA) regulations, the Tenth Circuit Court of Appeal's holding in that past case remains binding on the to this day. Given the judicial notice of the protected status of the area, UDOT's present, preferred choice of the B1 alignment immediately opens the DEIS to a high level of scrutiny. WDC freeway threatens the interests of not only local Ranches HOA residents, but also, the interests of all nations in North and South America that have entered into the Migratory Bird Treaty with the United States of America, codified in the Migratory Bird Treaty Act. Farmington Bay Waterfowl Management Area (WMA) and the GSL attract tourists, visitors, and scientists from around the world. For example, see: "Over 500K birds fueling up at Great Salt Lake for migration to Argentina", By John Hollenhorst, KSL News, August 2, 2013.[1] The DEIS fails to recognize those international interests, and the DEIS fails to recognize the irreplaceable nature of the Section 4(f) properties bordering Farmington, Ranches HOA, and the B1 alignment. The list of stakeholders for the EIS process lacks any international stakeholders, yet the impacts of WDC freeway will extend beyond the international borders of the United States. UDOT has failed to involved those international stakeholders, in violation of international treaty. The DEIS merely makes the conclusory statement that FHWA and UDOT recognizes the impact of WDC freeway to these internationally renowned areas as "*de minimis*", and based on that determination concludes that it is unnecessary to provide any mitigation or planning to minimize harm to the areas. This defect is somewhat surprising considering the outcome of *Utahns for Better Transportation v. UDOT*, in which FTA, FHWA and the State of Utah basically lost the case, because they failed to see the need to conduct a proper NEPA analysis of the same Section 4(f) properties impacted by WDC freeway (formerly known as "North Legacy", but given a new name of West Davis Corridor for public relations reasons).

Located immediately to the north, and adjacent to Farmington Bay WMA and the GSL Nature Center, Farmington City holds a conservation easement on privately owned property at Buffalo Ranch. Over the past 15 years, west Farmington has seen marked growth with residential development of over 600 homes spreading to the western edge of the city boundaries, and up to the 100-year floodplain along the border of Farmington Bay WMA and GSL Nature Center. Farmington City, as part of its Master Plan, recognized the importance of a buffer between residential development and the Section 4(f) wetlands and the wildlife refuge located to the west and south of the city. Consequently, Farmington City only allowed residential development to take place if the westernmost portion of any development was placed in a conservation easement, thus limiting the land to agricultural use by Buffalo Ranch. To this day, the developers, Boyer Wheeler Farm, LLC, Boyer Wheeler Farm II, LLC (Boyer Company), the owner of Buffalo Ranch which is Viking Real Estate LLC (David Plummer), Ranches HOA, and all of the homeowners in the HOA, all remain subject to the Conservation Easement recorded in the office of the Davis County Records as Entry 1893293, Book 3341, at pages 1691 through 1710. Successive residential subdivision developments, and their Covenants, Conditions and Restrictions of the various HOAs present in west Farmington rely on and remain subject to the Buffalo Ranch Conservation Easement. Each homeowner in Ranches HOA has invested on

[1] "About half a million birds are fattening up and getting ready to take off from the Great Salt Lake to head half the world away. Their annual trip continues to amaze scientists. One biologist has come all the way from Argentina to try to solve some of the mysteries surrounding the phenomenon. Argentinian biologist Marcela Castellino grew up next to a lake just like the Great Salt Lake in South America. The lake in Argentina even has the same stinky smell."

Comment 954 (continued)

Response Section in Chapter 32 ➥

32.27A

32.3F

32.10H

32.27A

32.27A

average approximately $300,000 in a home and lot subject to the Conservation Easement. Each of these homeowners may use, and receive great benefit from the public trails and beautiful conservation easements. Many HOA members and the general public use the recreational trails which run through Ranches HOA and Buffalo Ranch Conservation Easement. The protected area of the Conservation Easement adds to the aesthetic and financial value of all residential properties in Ranches HOA. Many of the westernmost parcels of the HOA are larger than one acre, and Covenants Conditions and Restrictions of the HOA allow those property owners to keep livestock, horses and goats, which is consistent with the semi-rural design and development of the HOA, and Farmington City's Master Plan. Consistent with Farmington City's Master Plan, the permitted agricultural use of the Conservation Easement property by Buffalo Ranch, and the design of Ranches HOA, provide a buffer between the residential development of west Farmington, and the Farmington Bay WMA and the eastern shore of the GSL. Also, west Farmington has fewer parks per square mile than eastern Farmington. Only one city park is located in west Farmington, to the additional public trail system and Conservation Easements provide additional recreation areas and open space to Ranches HOA Members, and to all members of the public who use the trail systems to enjoy the Conservation Easements. The map included as **Exhibit A** below shows the location of city parks in Farmington. The Buffalo Ranch Trail and Great Salt Lake Shoreline Trail, with their combined open space and scenic views of the Conservation Easement property (consisting of upland horse pastures which waterfowl of Buffalo Ranch Pond use to graze and nest), plus the adjacent GSL shoreline, wetlands and wildlife provide residents with an important recreation resource. A trailhead with a parking area is located at the western end of Clark Lane and Buffalo Ranch Road, making the trails a destination for outdoor recreation enthusiasts, horsemen, bicyclists, bird watchers, and families who live in Davis County. Farmington City paid for the creation of these public trails, which the City pays to maintain, and over which the City holds a perpetual public easement. The two trails, Buffalo Ranch Trail, and the Great Salt Lake Shoreline Trail form a loop around Buffalo Ranch and homes within Ranches HOA. The trails and Conservation Easement together form one irreplaceable recreation area for the hundreds of families that invested in homes in western Farmington – there is no more available land in Farmington to replace the trails and Buffalo Ranch Conservation if they are taken by UDOT to construct the WDC freeway. UDOT's "*de minimis*" determination of the WDC freeway's impact to this Section 4(f) property strains logic, and is frankly insulting to Ranches HOA homeowners and taxpayers, who have made major lifetime investments to build and buy homes in this ecologically unique area.

UDOT asked Farmington City to identify any Section 4(f) properties that would be impacted by the various alignments proposed in the DEIS. *See* Letter from UDOT to Farmington City, dated April 27, 2012, attached as **Exhibit B.** In response, Farmington City identified the Buffalo Conservation Easement and the Buffalo Ranch and GSL Shoreline trail system (among other conservation easements and trails). *See* Letter from Farmington City to UDOT, dated May 11, 2012, (Farmington Designation Letter) attached as **Exhibit C.** Farmington City specified that the conservation easements were used for: "[r]ecreation [trails], natural scenic open space, wildlife habitat, farmland, floodplain and wetland preservation, and green space, preservation of stream corridors, and water courses." *See* Farmington Designation Letter, at 2. Additionally, Farmington City stated,

Comment 954 (continued)

Response Section in Chapter 32 ➥

32.27A

32.27A

32.27A

32.27A

> The lands are significant due to their location along the shore of the Great Salt Lake, and their unique conservation values previously mentioned, and the lands are identified on the City's Resource and Site Analysis Plant (an element of the City's general Plan), and must be preserved for such things as parks, recreation areas or wildlife/waterfowl refuges. The lands are also significant because of the magnitude of the size of area that they encompass. They cover hundreds of acres.

Farmington Designation Letter, at 2.

The FHWA guidelines recognize recreational trails, with public easements, on private land as Section 4(f) properties. UDOT also recognizes Buffalo Ranch Trail and the Great Salt Lake Shoreline Trail as Section 4(f) properties. *See* Table 27-5, DEIS at 27-18. However, UDOT recognizes only the approximately eight (8) foot wide trail as protected, and not the surrounding land or conservation easement or real property which the trails service:

> FHWA considered these easements carefully to determine whether any part of them constitutes a wildlife refuge and determined that they did not. However, the Great Salt Lake Shoreline Trail and the Buffalo Ranch Trail (which together form a loop trail) are part of the Farmington Ranches conservation easement, and FHWA has determined that only the recreational trails are subject to Section 4(f) protections as a recreation area.

Section 27.4.4.2 "Conservation Easements", DEIS at 27-24.

Additionally, UDOT recognizes in the DEIS that the B1 alignment would substantially diminish the amount of property in the Buffalo Ranch Conservation Easement, because the alignment would run through the center of the easement parcels.

> Alternatives A1, A2, B1, and B2 would use about 61 acres of the Farmington area conservation easement parcels (total about 359 acres, including a large pond). The alignments for these four alternatives are identical in this area. The alignments pass through the center of the easement parcels, leaving more land on the shoreline side than on the inland side. A large pond on the western side of the easement area would be preserved intact. Some wetland areas, especially at the north end of this area, would be lost or separated from the coastal area. Horse pasture and other agricultural lands located in the central and southern portions of the easement area would be partly used and partly retained. Developed facilities at Buffalo Ranch would be minimally affected, but surrounding open agricultural lands would be substantially diminished. A trail connection would be retained.

DEIS at 27-88.

UDOT proposes to mitigate any negative impact to the Section 4(f) recreational trails by merely constructing tunnels under the 30 foot elevated freeway and 250 feet wide right of way, where WDC freeway would pass over the trails. UDOT states in the DEIS that FHWA made the "preliminary determination that there would be no adverse effect to the activities, features, or attributes of the trail." Here, UDOT misses the whole point behind Farmington City's creation

Comment 954 (continued)

Response Section in Chapter 32 ➥

32.3F

32.2.13C
32.3F

32.1.2F

32.10H
32.1.2F

32.31R

of the Conservation Easement and trails, to allow the public to enjoy this beautiful and environmentally unique area of Utah and the world. WDC freeway would entirely destroy the recreational value of easement, and change the character of the semi-rural residential neighborhood into that of a major freeway system. UDOT's myopic view of the WDC freeway's negative impact on the Ranches HOA, the public recreational trails and surrounding wetlands and conservation easement is consistent with UDOT's superficial treatment of other Section 4(f) wetlands and wildlife refuge areas along the preferred WDC freeway B1 alignment. Farmington City's land use planning in creating the Buffalo Ranch Conservation Easement and public trail system was to provide residents in Farmington with a recreation area on the western border of the city—where there is currently only one city park—in an area protected from further development, and in an area already saturated with residential development. Buffalo Ranch Conservation represents some of the last open space within Farmington City's borders. Farmington City created the conservation easement and trails expressly because of the "natural scenic open space, wildlife habitat, farmland, floodplain and wetland preservation," yet UDOT and FHWA in the DEIS consciously ignore all of these unique and irreplaceable "features, attributes and activities" which have been purposefully set aside and protected for the enjoyment and recreational use by the public and Ranches HOA residents.

The 250 foot wide, four lane, elevated WDC freeway will irreparably harm and destroy the "features, attributes, or activities" related to the Conservation Easement and public trail system that Farmington City's residents' tax dollars have created and preserved. Instead of a rural, recreation area, protected from development for the past several years, the WDC freeway will take and use that area to construct an elevated freeway which will broadcast noise, light and air pollution into the quiet residential neighborhoods. Hundreds of families in Farmington bought or built homes subject to the Farmington Ranches HOA covenants, conditions and restrictions (CC&Rs). The HOA Declarations and CC&Rs are also subject to the recorded Buffalo Ranch Conservation Easement. These Farmington homeowners bought or built homes in this area specifically because of the pleasing land use planning, the preserved open space and public trail system which make up an important attribute of the high quality of life enjoyed by Ranches HOA members. Farmington City, Ranches HOA and its thousands of families and residents receive no benefit from the WDC freeway, nor do they have a need for the freeway. There are no entrance or exit ramps from Farmington City to the WDC freeway; rather, the proposed WDC freeway only takes public recreation areas from Farmington. Ranches HOA residents do not want or need another freeway, since two freeways, I-15 and Legacy Parkway already cut Farmington City in half, running through the middle of the city. These two major freeways are easily accessible located a few blocks from either east or west Farmington, so residents have no need for a third freeway, which would encircle the small community by freeways. In other words, with regard to the WDC freeway's impact on Farmington City, WDC freeway only takes, and does not give. UDOT and FWHA cannot replace what WDC freeway will take. Consequently, Farmington City recently announced its intention to contest the decision made in the DEIS through official commentary. The City Manager, Dave Millheim stated publicly that the City Council considered litigation to enforce the Federal law protections available under Section 4(f). *See* Palmer, Rebecca, "Farmington to challenge UDOT over West Davis Corridor" The Davis Clipper, Aug 21, 2013.[2] Farmington City's Comments on Draft

[2] "The council had considered filing a lawsuit over their disagreements with UDOT's draft environmental impact statement (EIS), but decided instead to make their claims known in a public comment. We think we're on strong

Comment 954 (continued)

Response Section in Chapter 32 ➥

32.27A

32.31R

32.31R

32.27C
32.14.2H

32.27J

32.2.1G

32.27K

Environmental Impact Statement and Section 4(f) Evaluation for the West Davis Corridor, dated September 6, 2013 (Farmington City Comments), clearly establishes that Farmington City considers the conservation easements within Farmington as protected Section 4(f) properties. Ranches HOA Members echo and incorporate by reference the Farmington City Comments, take the same position and concerns made by Farmington City, especially with regard to the discussion and identification of direct and indirect impacts on the Buffalo Ranch Conservation Easement and the public trails as outlined in the Farmington City Comments. The Ranches HOA Members maintain the position that Buffalo Ranch Conservation Easement and Ranches HOA are located in close proximity to Farmington Bay WMA and the GSL, and they contain high value, irreplaceable uplands and wetlands. As recognized in the Farmington City Comments, the negative impact of WDC freeway will cause environmental impacts and problems, the loss of recreational public trails, and no mitigation can replace those once they are taken and lost.

The U.S. Department of the Interior (DOI) and U.S. Fish and Wildlife Service (FWS) likewise noted the unacceptable impacts to Section 4(f) properties along the B1 alignment in their official Draft Environmental Impact Statement Comments on the WDC freeway DEIS, dated August 14, 2013 (DOI/FWS Comments), attached hereto as **Exhibit D**. Ranches HOA Members likewise incorporate by reference the position taken in the DOI/FWS Comments. According to those federal agencies, WDC freeway on the B1 alignment will impact and use Farmington Bay WMA. DOI/FWS Comments at 12-13. The DOI and FWS outlined very clearly in their comments how the Shepard Lane alignment had less impact on Section 4(f) resources than the Glovers Lane, B1 alignment. DOI/FWS Comments at 3-4. The Utah Public Lands Policy Coordination Office, the government authority with jurisdiction over the Section 4(f) properties at Farmington Bay WMA also made the same Section 4(f) determination in its letter to Randy Jeffries, UDOT, dated April 26, 2011 (attached as **Exhibit E**), stating the Glovers Lane option had more severe impacts on Section 4(f) resources than the Shepard Lane option. These participating agency determinations, with jurisdiction over the properties, make UDOT's preferred local choice to use these Section 4(f) properties highly questionable. In order for UDOT and FWHA to construct WDC freeway along the B1 alignment, those public transportation agencies must show "there is no prudent and feasible alternative" to construction of WDC freeway over the land protected by Section 4(f), under 49 U.S.C. § 303(c). *Davis v. Mineta*, 302 F.3d 1104, 1113-14 (10th Cir. 2002). Notably, other alternatives exist to the two bad choices presented by UDOT with the Shepard Lane and Glovers Lane options. The Shared Solution Coalition also presents another modified "no build" alternative, recommended by the DOI and FWS in their Comment, with encouragement to UDOT and FWHA to consider further development of the concept.

As an additional flaw in the DEIS, UDOT and FHWA have failed to classify and count the Section 4(f) property along the B1 alignment. *Corridor H. Alternatives, Inc. v. Slater*, 166 F.3d 368 (D.C. Cir. 1999). The protected status of Farmington Bay WMA, and Buffalo Ranch Conservation Easement "requires the problems encountered by proposed alternatives to be 'truly unusual' or [to] 'reach extraordinary magnitudes' if parkland is taken." *Davis v. Mineta*, 302 F.3d

legal grounds to challenge UDOT on some of the EIS points," said City Manager Dave Millheim. "Rather than do it formally, we're going to do a detailed and public comment." Available at: http://davisclipper.com/pages/full_story/push?article-Farmington+to+challenge+UDOT+over+West+Davis+Corridor%20&id=23417391&instance=comments

Comment 954 (continued)

Response Section in Chapter 32 ➥

32.27K

32.5.1A

32.8A

32.2.13C

32.8A

32.8A

32.30C
32.5.6H

1104, 1113-14 (10th Cir. 2002) (citation omitted). The Shepard Lane alterative cannot reach those magnitudes, even with corrected calculations of residential and business relocations for both alternatives. *See e.g., Ringsred v. Dole*, 828 F.2d 700 (8th Cir. 1987), *Stop H-3 Association v. Dole*, 740 F.2d 1442 (1984). Further discussion is found below, in the section, "Relocation of Residential Homes and Properties", which identifies homes that UDOT chose not to count in its evaluation and comparison of impacts between Glovers Lane and Shepard Lane. The Shepard Lane option would minimize harm to Section 4(f) resources, while the B1 Glovers Lane option will increase those impacts. *City of South Pasadena v. Slater*, 56 F. Supp.2d 1106 (C.D. Cal 1999). Also, the Shepard Lane option already contains a corridor of land, predating new homes and residential development in the area, which was preserved by UDOT, Davis County and Farmington City expressly for North Legacy, or WDC freeway.

Last, and perhaps most important, the features, attributes and activities protected in the Buffalo Ranch Conservation Easement represent "protected property interests" enjoyed and utilized by every homeowner in Ranches HOA. *Utah Dept. of Transp. v. Admiral Beverage Corp.*, 275 P.3d 208 (Utah 2011). Indeed, homeowners collectively invested millions of dollars in their homes and real property, making some of the most significant financial investments of their lives, all subject to the recorded protections, covenants, conditions and conditions of the Buffalo Ranch Conservation Easement and the declarations related to Ranches HOA. WDC freeway will damage and decrease the value of those family investments, because homes will decrease in value as they are located closer to WDC freeway. Whereas currently, without the freeway, the homes along the B1 alignment are more valuable, because they instead abut or are near the Conservation Easement, the lack of development, with recreational trails, open space, scenic beauty and the panoramic views. Currently, home buyers seek out the Ranches HOA area for these benefits. If the WDC freeway is constructed, then home owners will want to move away from the Ranches HOA, because they will have lost the value of their investment—the whole reason they invested in those homes. Home buyers likewise will be deterred from buying homes in the Ranches HOA. The WDC freeway will negatively impact every homeowner of Ranches HOA, as described more fully in the different sections below. The DEIS fails to recognize any of those recorded, protected property interests. Hundreds of Ranches HOA Homeowners and Members should receive just compensation for the loss of those interests.

Decreased Property Value

Many of the western lots in Ranches HOA abut or have scenic views of Buffalo Ranches Conservation Easement and the GSL, and Antelope Island. The close proximity of the WDC freeway will decrease the value of these residential properties. Every homeowner impacted with lower property value should recover damages or just compensation from the State of Utah for that negative impact. The DEIS fails to consider those damages in its estimated costs of construction of the B1 alignment. The maps utilized by UDOT in the DEIS process are outdated, some from 2008, and those old maps fail to show or inaccurately show the many homes and residential development in the Ranches HOA that were constructed before and after UDOT publicly announced the B1 alignment. UDOT's calculations of homes impacted within 250 feet or 500 feet of the proposed B1 alignment are outdated and inaccurate.

Comment 954 (continued)

Response Section in Chapter 32 ➥

32.11.2A
32.2.13C
32.11.1A
32.2.13C
32.12A
32.2.1H
32.2.3A
32.2.13C 32.31H

Randy Jeffries, Paul Ziman, and James Christian

Air Pollution, Inversion, Fog and Insects

Hundreds of peer reviewed scientific studies prove the increased negative health problems to people who reside in close proximity to freeways. A selection of only a few of those studies, naming various health problems, is attached hereto as **Exhibit F**, compiled by Utah Physicians for Healthy Environment. Ranches HOA homeowners and family members all represent a class of people who will suffer damages to their health, caused by WDC freeway. The causal relationship between freeways and public health is irrefutable. The geography of the Wasatch Front, inversion and air pollution affect Farmington and Ranches HOA members as well. Additionally, because of the Ranches HOA's low elevation along the floodplain and shore of GSL, in the cooler months of Fall, Winter and Spring, the Ranches HOA is subject to thick fog. The Nature Conservancy (TNC) Shorelands Preserve, and residents all along the eastern shore of the GSL, similarly report dense fog for extended periods of time. Sometimes the fog will last for weeks near TNC wetlands and uplands of the GSL floodplain. If people utilize WDC freeway in the fog, then tail pipe emissions will collect in the fog, and saturate the surrounding residential neighborhoods with concentrated air pollution. See for example **Exhibit G**, containing a photo of the dense fog commonly present in west Farmington, Ranches HOA, taken earlier this year by a Ranches HOA Member. UDOT fails to plan or account for this fog, which represents a practical problem and serious safety hazard to anyone who would attempt to drive with limited visibility on a freeway. Fog along the WDC freeway will render that freeway unusable, and alternatively, motorists will utilize I-15 and Legacy Parkway which will be without fog, because those freeways are located at higher elevations, and further away from the shore of the GSL. Millions of flying insects along the eastern GSL shoreline, smashing into and dirtying windshields at freeways speeds, will also deter motorists from using WDC freeway. Some residents of Farmington avoid using Legacy Parkway for that very reason, because car owners have to wash their windshields almost daily when insects are plentiful.

Nuisance, Noise and Light Pollution

Homeowners in Ranches HOA enjoy peace and quiet, interrupted occasionally by bird calls from Farmington Bay WMA, the sound of horses or cattle. WDC freeway will be an elevated freeway, without sound walls to mitigate the noise and light pollution of freeway traffic. Throughout Utah, UDOT has constructed sound walls to mitigate the impact of noise and light pollution from freeways on adjacent residential neighborhoods. The lack of these obviously necessary mitigation measures raises questions as to why UDOT has provided no mitigation for these negative impacts. Perhaps UDOT's motive in presenting a DEIS without any mitigation for this impacts is merely an attempt by UDOT to create artificial negotiation room, for use later in negotiation with objecting Ranches HOA Members, who will want sound walls, reduced freeway speeds, sound reducing pavement, and restrictions on commercial trucks and billboards. To be clear, Ranches HOA members do not want WDC freeway, even with more mitigation and restrictions than currently found on Legacy Parkway. Some of those mitigation efforts (*e.g*, sound walls, noise reducing pavement), would dramatically increase the cost of the B1 alignment, which would then show the B1 alignment with a greater expense. Based thereon, the B1 alternative alignment may become less economically preferable than other alignment options such as the Shepard Lane alignment, which is shorter in length than the B1 alignment. The estimated values for the financial cost of the B1 should be disregarded until a more accurate

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Comment 954 (continued)

Response Section in Chapter 32 ➥

32.2.1H
32.5.6I
32.2.13C
32.5.1G
32.31Q

Randy Jeffries, Paul Ziman, and James Christian

count and calculation is made for the increased construction and maintenance costs associated with mitigation efforts like sound walls and noise reducing pavement, and other restrictions on commercial truck traffic and billboards.

Relocation of Residential Homes and Properties.

The DEIS inaccurately counts the number of residential relocations along the B1 alignment. Throughout the public involvement with UDOT on the WDC freeway EIS process, UDOT has consistently represented to the public that ten (10) homes would be taken on the Shepard Lane alignment and zero (0) would be taken on the Glovers Lane alignment. However, privately UDOT and the Langdon Group have met with homeowners that will be impacted by the B1 Glovers Lane alignment, and acknowledged that their homes would be impacted, and qualified for condemnation. Those meetings, dates and persons in attendance were doubtless recorded by UDOT and the Langdon Group, and also recorded by those who work privately to protect the legal rights of citizens from government taking of property. UDOT likely relies on a narrow rule that allows UDOT to only count homes with a structure located within 15 feet of the WDC freeway. Put diplomatically, UDOT has consistently misrepresented the impact of WDC freeway to the public and to Ranches HOA members. A review of the WDC freeway B1 alignment map shows at least five (5) homes that will be impacted qualify to be taken or condemned by UDOT, instead of the "zero", claimed previously, or the "one" home that the DEIS identifies along the B1 Glovers Lane alternative. The DEIS miscounts and compares the number of homes impacted by the B1 alignment, or Glovers Lane alignment, to the Shepard Lane alignment. See attached hereto as **Exhibit H**, the table used by UDOT to miscount and misrepresent the number of homes impacted. The sections of the UDOT WDC freeway map, with numbers added to impacted homes, are shown in **Exhibits I and J**. The impact of WDC freeway on the families who live in these homes, some of which are Ranches HOA Members, has been devastating, especially since they relied on the Conservation Easement when they invested in their homes, with the assurance that development would never occur adjacent to their homes. UDOT also created a false dilemma with the intentional misrepresentation of the residential relocations on the two competing alignments along Glovers Lane and Shepard Lane. UDOT forced homeowners in the two neighborhoods along these alignments to fight against one another in their attempts to persuade UDOT to choose the alignment that did not impact their neighborhood. Consequently UDOT divided the community socially. Similarly, the WDC freeway will divide the community with a physical wall of cement and landfill, between 14 and 30 feet high. The WDC will divide Farmington City and the Ranches HOA community forever.

Conclusion

The DEIS is inaccurate and misleading. UDOT has tainted the EIS process by misrepresenting the financial costs, number of home relocations, and impacts of WDC freeway to the public. Ranches HOA, and the members, homeowners, families and individuals which comprise the HOA, recognize and will act to protect their legal rights, homes, property, health and quality of life from the negative impacts of this unnecessary and expensive WDC freeway. UDOT should withdraw its fatally flawed DEIS, and remove Farmington and Ranches HOA from the study area of any future EIS process.

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Comment 954 (continued)

Response Section in Chapter 32 ➥

Undersigned Farmington Ranches HOA Members:

Todd Karl Jenson
Natalie Nylund Jenson

Allison Morgan
Ethan Morgan

Michael Graves
Ashley Graves

Jeffrey J. Steele
Mollee Beecher Steele

Ben Powell
Kristy Powell

Nathan Tanner
Catherine Tanner

Andreas Kalt
Lori Kalt

Shelli Smith
David Smith

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Comment 954 (continued)

Response Section in Chapter 32 ➥

List of Exhibits

Exhibit A	Map of Farmington City Parks
Exhibit B	Letter from UDOT to Farmington City, dated April 27, 2012
Exhibit C	Letter from Farmington City to UDOT, dated May 11, 2012
Exhibit D	DOI/FWS Comments, dated August 14, 2013
Exhibit E	Utah Public Lands Policy Determination Letter, dated April 26, 2011
Exhibit F	Selected Studies of Health Problems Caused by Freeways
Exhibit G	Photo of Fog at Ranches HOA
Exhibit H	UDOT Table, showing comparison of home relocation impacts on Glovers Land vs. Shepard Lane
Exhibit I	UDOT WDC freeway map, showing impacted homes (numbers added) Location: Prairie View Drive and Ranch Road, Farmington, Utah
Exhibit J	UDOT WDC freeway map, showing impacted homes (numbers added) Location: Shirley Rae Drive and Glovers Lane, Farmington, Utah

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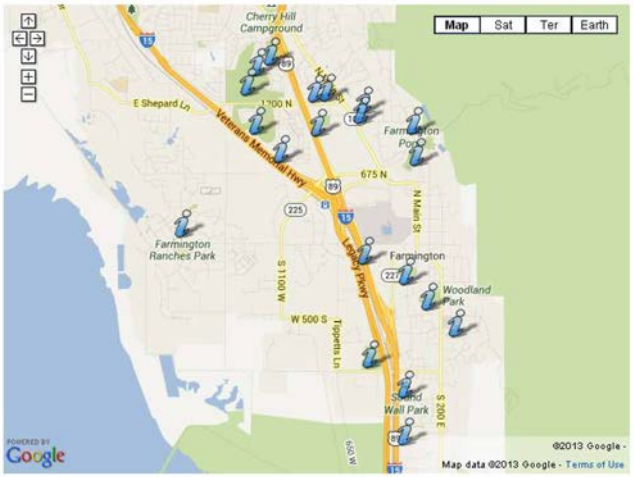
Comment 954 (continued)

Response Section in Chapter 32 ➥

Exhibit A
Map of Farmington City Parks



Farmington City Parks Map
Source: http://www.farmington.utah.gov/leisure_services.parks_trails.html
Accessed: September 5, 2013

Comment 954 (continued)

Response Section in Chapter 32 ➥

See Farmington City Responses 32.27A

Exhibit B
Letter from UDOT to Farmington City, dated April 27, 2012

Comment 954 (continued)

Response Section in Chapter 32 ➥

12 MAY 11

WEST DAVIS
CORRIDOR

April 27, 2012

Dave Millheim, City Manager
City of Farmington
160 South Main St.
Farmington, UT 84025

Subject: Farmington Conservation Easements and West Davis Corridor Project

Dear Mr. Millheim:

The Utah Department of Transportation (UDOT) and Federal Highway Administration (FHWA) request your assistance to help FHWA make a necessary determination about conservation easements the City of Farmington holds on several tracts in the western part of Farmington. FHWA and UDOT are completing an environmental impact statement (EIS) and Section 4(f) evaluation for the West Davis Corridor Project, located in part in Farmington. UDOT is pursuing multiple alternative alignments for this new highway, including some that could affect lands on which you hold a Deed of Conservation Easement. The primary conservation easements in question are the Farmington Meadows easement, signed by Mayor Scott Harbertson 10/12/2007; the Farmington Ranches phase 6 easement, signed by Mayor David Connors 12/22/2005; and the Buffalo Ranch easement signed by Mayor Connors 7/2/2003. FHWA, as a potential funder of the project, is required to determine if certain park, recreation, or wildlife refuge lands are protected by federal transportation law known as "Section 4(f)." Section 4(f) is so called for the section of the U.S. Department of Transportation Act in which it originated. It now is codified at 23 USC 103(c) and further detailed in FHWA regulations at 23 CFR 774. Your assistance as the owner and manager of the conservation easement will be appreciated.

To qualify for Section 4(f) protection, a property must be publicly-owned. If it is a park or recreation area, it must be open for use by the general public. If it is a waterfowl or wildlife refuge, it generally would be open to the public unless restricted specifically to protect wildlife resources. The law also applies to historic or archaeological properties on or eligible for the National Register of Historic Places, but that seems unlikely to apply to these conservation easements. Finally, the property must be a "significant" park, recreation area, or wildlife refuge.

Significance. FHWA has a Section 4(f) policy paper that states:

The meaning of the term "significance," for purposes of Section 4(f), should be explained to the official having jurisdiction. Significance means that in comparing the availability and function of the park, recreational area or wildlife and waterfowl refuge, with the park, recreation or refuge objectives of the community of authority, the resource in question plays an important role in meeting those objectives.

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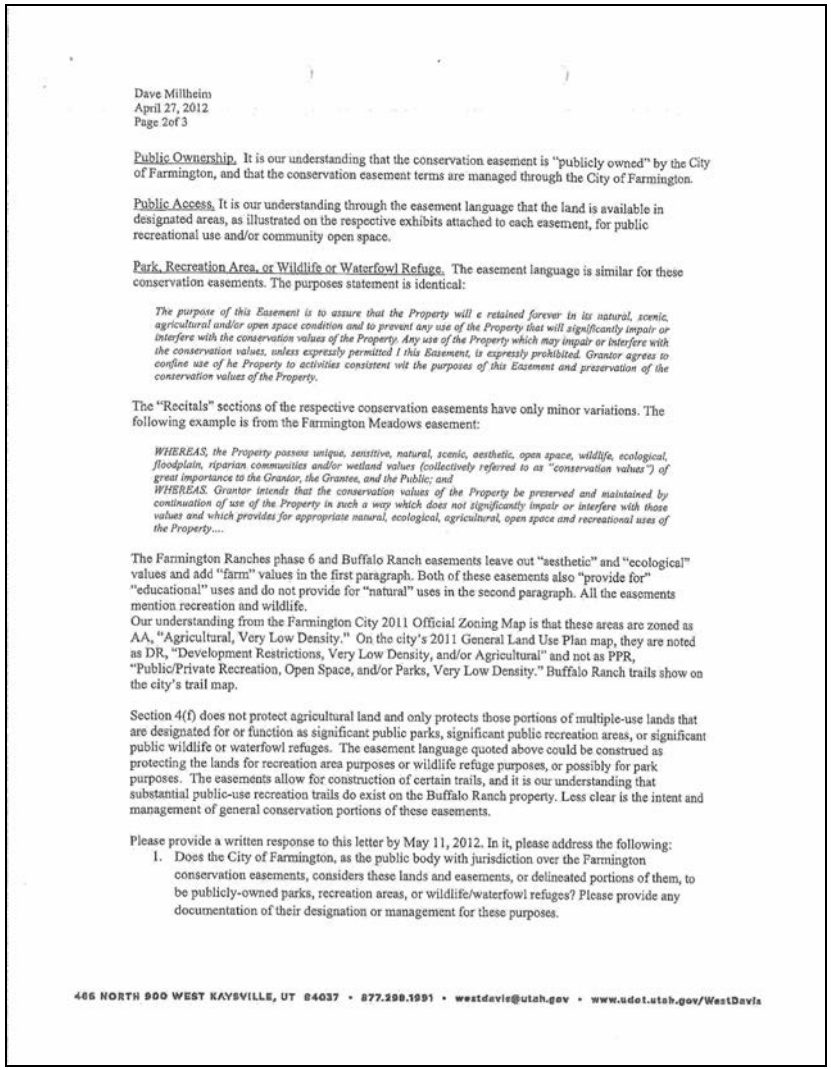
Comment 954 (continued)

Response Section in Chapter 32 ➥



Dave Millheim
April 27, 2012
Page 2of 3

Public Ownership. It is our understanding that the conservation easement is "publicly owned" by the City of Farmington, and that the conservation easement terms are managed through the City of Farmington.

Public Access. It is our understanding through the easement language that the land is available in designated areas, as illustrated on the respective exhibits attached to each easement, for public recreational use and/or community open space.

Park, Recreation Area, or Wildlife or Waterfowl Refuge. The easement language is similar for these conservation easements. The purposes statement is identical:

The purpose of this Easement is to assure that the Property will e retained forever in its natural, scenic, agricultural and/or open space condition and to prevent any use of the Property that will significantly impair or interfere with the conservation values of the Property. Any use of the Property which may impair or interfere with the conservation values, unless expressly permitted I this Easement, is expressly prohibited. Grantor agrees to confine use of he Property to activities consistent wit the purposes of this Easement and preservation of the conservation values of the Property.

The "Recitals" sections of the respective conservation easements have only minor variations. The following example is from the Farmington Meadows easement:

WHEREAS, the Property possess unique, sensitive, natural, scenic, aesthetic, open space, wildlife, ecological, floodplain, riparian communities and/or wetland values (collectively referred to as "conservation values") of great importance to the Grantor, the Grantee, and the Public; and
WHEREAS. Grantor intends that the conservation values of the Property be preserved and maintained by continuation of use of the Property in such a way which does not significantly impair or interfere with those values and which provides for appropriate natural, ecological, agricultural, open space and recreational uses of the Property....

The Farmington Ranches phase 6 and Buffalo Ranch easements leave out "aesthetic" and "ecological" values and add "farm" values in the first paragraph. Both of these easements also "provide for" "educational" uses and do not provide for "natural" uses in the second paragraph. All the easements mention recreation and wildlife.
Our understanding from the Farmington City 2011 Official Zoning Map is that these areas are zoned as AA, "Agricultural, Very Low Density." On the city's 2011 General Land Use Plan map, they are noted as DR, "Development Restrictions, Very Low Density, and/or Agricultural" and not as PPR, "Public/Private Recreation, Open Space, and/or Parks, Very Low Density." Buffalo Ranch trails show on the city's trail map.

Section 4(f) does not protect agricultural land and only protects those portions of multiple-use lands that are designated for or function as significant public parks, significant public recreation areas, or significant public wildlife or waterfowl refuges. The easement language quoted above could be construed as protecting the lands for recreation area purposes or wildlife refuge purposes, or possibly for park purposes. The easements allow for construction of certain trails, and it is our understanding that substantial public-use recreation trails do exist on the Buffalo Ranch property. Less clear is the intent and management of general conservation portions of these easements.

Please provide a written response to this letter by May 11, 2012. In it, please address the following:

1. Does the City of Farmington, as the public body with jurisdiction over the Farmington conservation easements, considers these lands and easements, or delineated portions of them, to be publicly-owned parks, recreation areas, or wildlife/waterfowl refuges? Please provide any documentation of their designation or management for these purposes.

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Comment 954 (continued)

Response Section in Chapter 32 ➥

Dave Millheim
April 27, 2012
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2. Does the City of Farmington consider these lands, or delineated portions of them, to be "significant" (as defined in the quote above) as a parks, recreation areas, or refuges?
3. How and by which department does the City manage or oversee these lands and terms of the easements?
4. What group or organization actively manages the land for the purpose stated in the conservation easements?
5. How are the conservation easements currently used?
6. How does the City view the similarities and differences among the easements (including mentions of agriculture, trails, recreation, and wildlife), the City's land use plan, and the city's zoning plan? Are other parks or conservations areas in the City designated with the same zoning and land use as the conservation easements?
7. Are the conservation easement lands, or delineated portions of them, specifically open to the public or closed/restricted?
8. Are there designated areas within the easement lands that are specifically planned to be developed for park, recreation, or waterfowl/wildlife refuge purposes? Please provide any documentation showing official intent to develop these lands for such purposes.

Please don't hesitate to call Vince Izzo at [redacted] if there are questions. Thank you for your assistance.

Sincerely,

Vincent J. Izzo

Vincent Izzo
HDR Engineering
West Davis Corridor Consultant Project Manager

cc: Project File
Paul Ziman, FHWA

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Comment 954 (continued)

Response Section in Chapter 32 ➥

See Farmington City Responses 32.27A

Exhibit C
Letter from Farmington City to UDOT, dated May 11, 2012

Comment 954 (continued)

Response Section in Chapter 32 ➥

FARMINGTON CITY

FARMINGTON
HISTORIC BEGINNINGS - 1847

SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
CORY R. RITZ
CINDY ROYBAL
JIM TALBOT
JAMES YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

May 11, 2012

Vincent Izzo
HDR Engineering
West Davis Corridor Consultant Project Manager
466 North 900 West
Kaysville, Uth 84037

Mr. Izzo:

I received your request for a written response to eight questions presented in your letter to me dated April 27, 2012. Thank you for taking the time to seek Farmington City's input regarding the large tracts of open space preserved on the west side of our community. Your questions are set forth below, with my response following each question:

1. Does the City of Farmington, as the public body with jurisdiction over the Farmington conservation easements, consider these land and easements, or delineated portions of them, to be publicly-owned parks, recreation areas or wildlife/waterfowl refuges? Please provide any documentation of their designation or management for these purposes.

Yes. The public owns the easements, they are under the ownership of Farmington City. The City acquired these easements through in-kind compensation of comparable value by substantially increasing in the number of lots available to the then existing property owners for their proposed developments. Our records show that three conservation easements (please see attached documents), and soon to be a fourth, encumber the ground in the path of the proposed westerly alignment of the West Davis Corridor (WDC) [note: the conservation easement for the Hunters Creek development will be recorded soon and will be similar to the others].

Each easement, as expressly stipulated therein, possesses unique and sensitive natural scenic, open space, wildlife, farmland, floodplain, and/or wetland conservation values, and was recorded for the purpose of preserving and maintaining these uses. Publicly-owned parks, recreation areas or wildlife/waterfowl refuges are allowed within the easement area. Presently, for example, the City has an improved trail approximately 3 miles in length (and additional 1.3 miles of trail soon to be improved) available to the public across all three easements and the yet be recorded 4th easement.

Farmington City is legally responsible and must expend public monies to enforce violations of the easement and ensure that parks, recreation areas or wildlife/waterfowl uses of the easement are still available to the public (see enclosed easements). The City has taken such enforcement action in the past when debris has been dumped on the property, when property owners have desired to encroach on conservation land with buildings or unauthorized improvements, or to construct buildings beyond what the easements would allow, etc.

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2. Does the City of Farmington consider these lands, or delineated portions of them to be "significant" (as defined in the quote above) as parks, recreation areas, or refuges?

Yes. The lands are significant due to their location along the shore of the Great Salt Lake, and their unique conservation values previously mentioned, and the lands are identified on the City's Resource and Site Analysis Plan (an element of the City's General Plan) and must be preserved for such things as parks, recreation areas or wildlife/waterfowl refuges. The lands are also significant because of the magnitude of the size of area that they encompass. They cover hundreds of acres.

3. How and by which department does the City manage or oversee these lands and terms of the easements?

AND

4. What group or organization actively manages the land for the purpose stated in the conservation easements.

The Farmington City Community Development Department, with the assistance of its legal consultants, enforces and oversees the lands in terms of the conservation easements, and the City's Public Works and Parks and Recreation Departments, and the City's Trail Committee, manage and oversee these lands in terms of trail use. A "Trail Boss" (or in certain circumstances more than one trail boss) is assigned by the Trails Committee to walk and inspect the trails/lands on a regular basis.

5. How are conservation easements currently used?

Recreation (trails), natural scenic open space, wildlife habitat, farmland, floodplain and wetland preservation, and green space, preservation of streams, stream corridors, and water courses.

6. How does the City view the similarities and differences among the easements (including mentions of agriculture, trails, recreation and wildlife), the City's land use plan, and the city's zoning plan? Are other parks or conservation areas in the City designated with the same zoning and land use as the conservation easements?

I will answer this question in three parts because it appears that one can construe the first question in this section regarding "similarities and differences" in two ways. Section A and B below deal with the first question and Section C is in response to the question in the last sentence.

A. Similarities and differences among the easements, the land use plan, and zoning [ordinance]: The easements, the City's land use plan (or General Plan), and the city's zoning plan (or Zoning Ordinance) are similar in purpose and function. Farmington views no differences in purposes among the three documents. They are extremely compatible.

All the easements were obtained consistent with purposes set forth in Section 11-12-010 of the Farmington City Municipal Code including, among other things, 1) "conservation of open space land, including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, archeological sites, and green space, by setting them

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aside from development"; 2) "provide incentives for the creation of greenway systems and open space within the City for the benefit of present and future residents"; and 3) "create neighborhoods with direct visual and/or recreational access to constrained sensitive and conservation land".

The purposes of this Section of the Municipal Code (as well as the easements) are consistent with goals, objectives, policies of the General Plan. These include, but are not limited to the following: 1) "The Farmington City General Plan is based on the overall goal of creating within the community a healthy, attractive, and pleasant living environment for its residents. This is the most significant element underlying the General Plan", 2) "Maintain Farmington as a community with a rural atmosphere, preserving its historic heritage, and the beauty of the surrounding countryside", 3) "Develop a trails system in the City which includes bike paths, jogging/hiking trails, and equestrian trails, etc.", 4) "Explore the potential of preserving open space and greenbelt areas for recreation purposes and for use as buffer zones in developed areas where appropriate and cost efficient", 5) "Encourage the maintenance of farmland and other open lands if they are historically or environmentally unique", 6) "The acquisition and development of open space and park property should be a priority of the Capital Improvement Program", 7) "Continue to conserve conservation and open space land including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, flood walls berms, watercourses, farmland, wildlife corridors, and/or habitat, historical buildings and/or archeological sites, and green space by setting them aside from development", 8) "Foster an environment within the City in which agriculture lands can co-exist in urbanized areas", 9) "Explore alternatives for preservation of agriculture lands as open space through purchase, lease, conservation easements, or otherwise", and 10) "Maintain Farmington as a predominately low density residential community".

As mentioned previously the easements also protect sensitive land resources identified on the City's Resource and Site Analysis plan, and element of the City's General Plan.

B. Similarities and differences among the easements. The three existing conservation easements include the easement recorded in conjunction with the Farmington Meadows Phase 1 Subdivision dated October, 12, 2007, the easement associated with Farmington Ranches Phase 6 dated December 22, 2005, and the easements regarding the Buffalo Ranch project dated July 3, 2003. All easements were recorded for the purpose of preserving and maintaining the same unique and and sensitive natural, scenic, open space, wildlife, farmland, flood plain, and/or wetland values; and three additional values were contained in the recitals to Farmington Meadows easement: aesthetic, ecological, agriculture and recreational values [note: the other easements mention farmland but the Farmington Meadows easement does not]. It is anticipated that the soon to be established easement with the Hunters Creek subdivision will be recorded with similar purposes.

The first two easement primarily encompass wetlands and wildlife habitat with some acreage available for pasture and farm land. Meanwhile, the Buffalo Ranch Easement constitutes a horse farm, with several out-buildings. Nevertheless, this easement also includes significant areas of wetlands and wildlife habitat. All three easements include flood plains, natural and scenic areas, and open space. Public recreational opportunities including but not limited to, hiking, bicycling, bird watching, equestrian uses, etc., are also prevalent to all three easements.

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C. Yes, there are other parks or conservation areas in the City designated with the same zoning and/or land use as the conservation easements. These include, but are not limited to 1) the public trail and quasi-public park in the Hunter's Creek subdivision, 2) the public park in the Spring Creek Estates subdivision, 3) the public park and public trail system in the Farmington Ranches subdivision, 4) the public trail and board walk system in the Farmington Greens Planned Unit Development, 5) the addition of public park property to the Farmington Pond park, 6) public trails and trail access/trail heads in the Deer Pointe, Shepard Heights, Oakwood Estates, Compton's Pointe, Farmington Manner, Silverwood, Farmington Ranches, Farmington Ranches East, Chestnut Farms, Eagle Creek, Miller Meadows, Deer Hollow, Sunset Hills, Mountainside, Hughes Estates, Tuscany Cove, Tuscany Village, and Willow Creek subdivisions/PUDs.

7. Are the conservation easement land, or delincated portions of them, specifically open to the public or closed/restricted?

Yes, portions of the conservation easement lands are open to the public. The easements contain the Great Salt Lake Shoreline Trail, a segment of the City's Trail Master Plan, an element of the Farmington City General Plan. Approximately, 3 miles of this trail are improved with 1.3 miles still to be developed.

8. Are there designated areas within the easement lands that are specifically planned to be developed for park, recreation, or waterfowl/wildlife refuge purposes? Please provide any documentation showing official intent to develop these lands for such purposes.

Yes, these areas include the trail system as discussed above. Enclosed for your review are photos of the trail. Copies of the easements enclosed herein also delineate the trails.

Thank you for your efforts regarding the EIS for the WDC. If you are in need of further information, please contact me at [redacted] or contact our Community Development Director, David Petersen at [redacted] or by email at [redacted]

Sincerely,

Dave Millheim
City Manager

cc: Mayor and City Council

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Comment 954 (continued)

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32.31R

Exhibit D
DOI/FWS Comments

Comment 954 (continued)

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United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Denver Federal Center, Building 67, Room 118
Post Office Box 25007 (D-108)
Denver, Colorado 80225-0007

TAKE PRIDE IN AMERICA

August 14, 2013

ER-13/0343

James Christian, Division Administrator
FHWA Utah Division
2520 West 4700 South, Suit 9A
Salt Lake City, UT84118

Dear Mr. Christian:

The Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) and Draft Section 4(f) Evaluation for the West Davis Corridor Project in Davis and Weber Counties, Utah and offers the following comments.

DRAFT ENVIRONMENTAL IMPACT STATEMENT COMMENTS

General Comments

The US Fish and Wildlife Service (USFWS) is a cooperating agency on the West Davis Corridor (WDC) project and appreciates the extensive coordination with the Utah Department of Transportation (UDOT) and the Federal Highway Administration (FHWA). We acknowledge the effort UDOT has made to maintain the flow of information and dialog throughout the planning process, and appreciate the opportunities provided throughout the NEPA process to provide technical assistance relative to fish and wildlife issues.

USFWS's involvement in this project stems from their interest in ensuring that project planning is done in a manner that retains the important wildlife values of the Great Salt Lake (GSL) ecosystem. The GSL ecosystem is an irreplaceable and immitigable resource due to its location within an arid region, large size, diversity of habitats for migratory birds, and the sheer number of birds, estimated at 7.5 million per year (UDNR 2013). Located approximately midway through an avian migration route between northern Canada and South America and located between the arid desert to the west and rugged mountains to the east, the GSL and its associated wetlands become a vital bird staging area in an otherwise arid region. The importance of the GSL ecosystem to wildlife on a national and international level is well documented.

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The GSL is part of the Western Hemispheric Shorebird Reserve Network (WHSRN), a distinction afforded to only seven areas in the lower 48 states (Manomet 2013). To meet requirements of the WHSRN, an area must support more than 20,000 shorebirds, or 5% of a flyway population. The GSL ecosystem easily exceeds the WHSRN standards, with impressive numbers of Wilson's phalarope (500,000; largest staging concentration in the world), red-necked phalarope (240,000), American avocet (250,000; exceeds any other wetland in the Pacific flyway), black-necked stilt (65,000; exceeds any other wetland in the Pacific flyway), and marbled godwit (30,000; the only staging area in the interior USA) (Paul and Manning 2002). Waterfowl populations are equally impressive with the GSL ecosystem providing sufficient habitat to support 75% of the western population of tundra swans and 25% of the continental pintail population (UDWR 1997). In addition to shorebirds, waterbirds, and waterfowl the GSL wetlands and associated uplands provide habitat for a diverse array of wildlife species. One of the nation's largest populations of wintering bald eagles is located at Farmington Bay (Oring et al. 2000).

The GSL ecosystem includes the saline open waters as well as the surrounding freshwater marshes, wet meadows, seasonal wetlands and playas, uplands, and agricultural fields. Wetlands of the GSL ecosystem account for approximately 75% of the wetlands in the state of Utah; wetlands comprise only 1.5% of Utah's total land area. Up to 90% of bird use associated with the GSL is concentrated along the eastern shore due to the variety of habitats present.

These areas provide nesting habitats for many species as well as critical resting and feeding grounds for enormous numbers of migrating birds. Uplands associated with wetlands and riparian areas provide critical nesting habitat for shorebirds and waterfowl. Hayfields are used by shorebird species as foraging sites (e.g., long-billed curlew and killdeer) and for nesting (e.g., killdeer, Wilson's phalarope, and long-billed curlew) (Oring et al. 2000). The mosaic of uplands and wetlands is of great value to the GSL's wildlife.

Overall, the GSL ecosystem provides unique and important values to migratory shorebirds, waterfowl, and other wildlife. The proposed alignments for the WDC traverse and border some of the last undeveloped and unprotected habitats on the eastern shore. These areas would be impacted by the roadway and would be vulnerable to future development. It is critical that UDOT and FHWA recognize the irreplaceable resource of the GSL ecosystem; select the least damaging alternative; design, construct, and operate the facility such that the impacts are minimized; and fully mitigate the direct, indirect, and cumulative impacts of this project.

Comments on Build Alternatives

The DEIS proposes two main alternatives (A and B), each with two options in the south and two options in the north, creating a total of eight alternatives. All build alternatives would cause significant, permanent impacts to the wetland and wildlife resources associated with the GSL ecosystem.

We note that a local coalition has proposed another alternative which has been termed the "Shared Solution." We encourage UDOT to fully vet this alternative as it did with all 23 preliminary alternatives, and to provide its agency resources to further develop and assess its

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details. Should this Shared Solution alternative be viable and meet the project purpose and need, it would broaden the range of alternatives and could provide an alternative with fewer impacts to wetland and wildlife resources. We support further development of this alternative.

The alternatives proposed in the DEIS all share the alignment in Layton and Kaysville where the corridor traverses immediately adjacent to important shore line habitats including the Great Salt Lake Shorelands Preserve (Preserve); there is no alternative alignment presented for this shared segment that may be less environmentally damaging. If a new corridor is determined necessary, it is imperative to analyze all direct, indirect, and cumulative impacts of the alternatives, select the least damaging alternative, and fully mitigate all unavoidable impacts.

Of the build alternatives evaluated in the DEIS, we believe Alternative B would have the least overall (direct, indirect, and cumulative) impact to wildlife and wildlife habitat. The Alternative B alignments are generally further from the Great Salt Lake shore land habitats, including the high-value Preserve. While Alternative B would directly impact more wetlands, these wetlands and the wildlife habitat they provide are generally already more fragmented, surrounded by more development, and of lesser wildlife value than those of Alternative A. We believe that the EIS's wildlife habitat quality assessment, habitat fragmentation analysis, and buffer zone analysis support this conclusion. For example, a comparison of the Alternatives A (Table 14-17) and B (Table 14-31) from Gentile Street (where they diverge) northward reveals approximately twice the amount of high value habitat within 393 meters (1,300 feet) of Alternative A (191 acres) versus Alternative B (98 or 73 acres, depending on the northern option). We believe the wildlife buffer zone analysis would more clearly highlight the difference if it were conducted to a distance of 1,200 meters (3,937 feet) (a distance supported by current road ecology science, as discussed below under *Indirect Impacts to Wildlife Habitat*). The GSL shore lands extending to the west of Alternative A rate nearly exclusively as high value habitats, whereas the habitats adjacent to Alternative B in Syracuse are more fragmented, impacted by surrounding development, and largely low or medium value.

Of the southern options for Alternative B, we believe the Glovers Lane alignment (Alternatives B1/B2) would cause greater impacts than Shepherd Lane (Alternatives B3/B4) due to indirect impacts to the high value shore land habitats of Farmington Bay west of the Glovers Lane. We can compare the Glovers Lane and Shepherd Lane options using tables 14-31 and 14-37; habitat value for the southern segment ("S. Terminus to Central Davis Sewer Treatment Plant") are identified as low, medium, and high quality. These tables show the Shepherd Lane alignment to have 323 acres of medium and high value habitats within 393 meters (1,300 feet), while the Glovers alignment, adjacent to Farmington Bay, has 830 acres of medium and high value habitats within 393 meters (1,300 feet). Again, if the buffer zone analysis were extended to 1,200 meters (3,937 feet), we believe the difference between the two options would be even clearer. The Farmington Bay Waterfowl Management Area (FBWMA) lies within 140 meters at its closest point to the Glovers Lane alternative, while the Shepherd Lane alignment is over 3,000 meters from the FBWMA; we believe the Glovers Lane option would significantly impact the habitat value of the FBWMA. In addition, the shore land habitats north of the FBWMA and west of and immediately adjacent to the Glovers Lane alignment are primarily high value and would incur substantial impacts from a new road corridor. The floodplain impacts similarly

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show a large difference (201.2 acres for Glovers Lane and 61.8 acres for Shepherd Lane), illustrating the proximity to the lake shore of the Glovers Lane alternative.

Of the northern options for Alternative B, the more western alignment, 4800 West (Alternatives B2/B4), approaches within approximately 720 meters of high-value shore land habitats, which would result in greater indirect impacts to the shore land habitats than the more easterly 4100 West alignment (Alternative B1/B3), over 1,400 meters from the high-value shore land habitats. Because the DEIS buffer zone analysis extends only to 393 meters (1,300 feet) it does not reveal this difference; if it extended to 1,200 meters (3,937 feet), the indirect impacts to the high-value shore land habitats would be properly illustrated. The 4100 West (Alternatives B1/B3) has 4 more acres of direct wetland impacts (14.7 versus 10.4), but these wetland habitats lie in a more fragmented and suburbanizing environment. Because the shore lands of the GSL are a unique and irreplaceable resource, we recommend prioritizing the protection of these habitats and selecting the alignment that is furthest from the GSL shoreline.

We recommend that the FEIS extend the wildlife buffer zone analysis to a fourth zone, extending 1,200 meters from the roadway edge. USFWS initially agreed with the WDC team to limit the buffer zones analysis to 393 meters (1,300 feet) on the premise that a greater distance would create overlapping zones between the alternatives, "washing out" the differences, and making a comparison of alternatives less clear. This agreement was made despite the evidence in the road ecology literature that indicates wildlife impacts occur to a much further distance. However, now that they have reviewed the analysis based on 393 meters (1,300 feet), USFWS concludes that it does not provide a satisfactory evaluation of habitat impacts, and thus recommend a larger fourth zone be incorporated to more clearly depict and compare the indirect effects to wildlife associated with each alternative. We recommend a fourth zone extend to 1,200 meters because many studies (Van der Zande et al. 1980, Findlay and Houlahan 1997, Green et al. 2000, Milsom et al. 2000, Forman et al. 2002, Eigenbrod et al. 2009) conclude that highways impact wildlife impacts at that distance or beyond (see *Indirect Impacts to Wildlife Habitat*, below).

Comments on Locally Preferred Alternative

The DEIS presents Alternative B1 as UDOT's Locally Preferred Alternative. This alternative proposes the WDC follow the Glovers Lane option in the south, the more easterly Alternative B alignment through Syracuse, and the 4100 West option in the north. From the action alternatives presented in the DEIS, we believe UDOT's selection of Alternative B in Syracuse and the 4100 West option to the north would be less damaging to the Great Salt Lake shore land habitats than other alternative alignments.

However, we conclude that the Glovers Lane option would be significantly more damaging to GSL shore land wetland and wildlife habitats than the Shepherd Lane option. Glovers Lane would result in the construction of a 4-lane freeway adjacent to the lake shore which would permanently and irreparably degrade the wildlife values of the shore land habitats, including those of the FBWMA and habitats to the north of the FBWMA and west of the alignment.

We do not believe that Alternative B1 is the Least Environmentally Damaging Alternative under Section 404 of the Clean Water Act. We therefore recommend UDOT reconsider the selection

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of the Glovers Lane option and encourage UDOT and the FHWA to select the Shepherd Lane option.

Indirect Impacts to Wildlife Habitat

Our greatest concern with this project regards the indirect impacts to the wetland and upland wildlife habitats of the GSL shore lands. The DEIS describes some of these impacts, leaves some unaddressed, and abstains from making any substantive conclusions regarding permanent degradation of the habitat or effects to the wildlife community structure that will likely result from this project. Moreover, the DEIS does not provide any commitment to mitigate for the impacts to this unique resource. We recommend the FEIS contain a more comprehensive analysis of the indirect effects, discussing all potential factors, evaluating their effects both individually and cumulatively, and drawing conclusions based on the best available science.

Many published studies have investigated the effects of roads on wildlife populations, the substantial majority concluding some level of negative effects of roads. While each study is specific in its geographic region, habitat, focal species, and particular study design, several themes have emerged from the body of science that has developed through the years.

At UDOT's request, USFWS conducted a review of the road ecology literature, compiled an annotated bibliography, and extracted the studies most applicable to the WDC project (in terms of similar habitat types, species, and traffic volumes) in order to provide a better understanding of the best available science on the subject. They submitted a white paper to UDOT and FHWA, *Indirect Effects of Roads to Wildlife* (USFWS 2013), which provided their review of the literature, conclusions regarding the best available road ecology science, and recommendations for conducting an indirect effects analysis that would quantify impacts and calculate compensatory mitigation.

As part of the analysis in the white paper (USFWS 2013), USFWS found several recent literature reviews and meta-analyses (statistical analyses of the cumulative data) which aggregate the results from many studies and are helpful in assessing the "body of science" on the subject. These reviews strongly support the conclusion that roads have indirect effects on wildlife (Table 1).

Table 1. Road ecology literature reviews and meta-analyses.

Citation	Species	Study Conclusions
Benitez-Lopez et al. 2010	birds & mammals	Meta-analysis of 49 studies of 234 mammal and bird species: bird populations decline within 1 km of roads and other infrastructure and mammals decline within 5 km.
Fahrig and Rytwinski 2009	birds, amphibians, reptiles, mammals	Review of the empirical road ecology literature found 79 studies examining 131 species. Negative effects were concluded for 114 species; positive effects for 22 species; and neutral for 56 species. Amphibians and reptiles show mostly negative effects. Birds showed mainly negative or no effects. Positive effects generally found only for species which can avoid on-road mortality and are attracted to roadsides for food or

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		lack of predators.
Reijnen and Foppen 2006	breeding birds	Review of 18 studies concludes negative impacts of road traffic on breeding bird species density far outweigh positive impacts. - Approximately 50% species have reduced abundance near roads with traffic volume similar to the West Davis Corridor (22,000-30,000 vehicles/day). - Approximately 40% of breeding bird species in open habitats have reduced abundance.
Rytwinski and Fahrig 2012	birds, amphibians, reptiles, mammals	Meta-analysis of 75 studies identifies common traits of species most affected by roads: - Wide-ranging large mammals with low reproductive rates; - Mobile birds w/ large territories; - Herptiles (especially frogs and toads); - Slow-moving species that are attracted to roads; - Species that are disturbed by traffic.

In summary, USFWS found the best available science, documented in published, peer-reviewed studies, supports the following conclusions:

- Species richness (number of species), abundance (number of individuals), nesting density, and nesting success decrease with proximity to a road. Habitat close to roads is less favorable for a variety of activities, including nesting and foraging.
- The degree and distance of effects to wildlife species increase with higher traffic volumes and tend to be greater in open habitats than in forests.
- All taxa are affected, including birds, herptiles (amphibians and reptiles), mammals and plants. While not every species is affected negatively, literature reviews indicate the majority of species experience neutral or negative effects.
- Causal factors vary, and may include noise, light, and visual disturbance; on-road mortality; movement barriers; habitat degradation from pollution, invasive plant species, decreased water quality; and edge effects.
- Some species appear more abundant near roadways, but experience higher mortality or reduced reproduction rates which create an ecological "sink" for the population.
- Although not all species are negatively affected, the loss of habitat and habitat use for even a portion of species create changes in community composition, prevalence of "urban-adapted" species, the loss of more sensitive, disturbance-intolerant species, and decreased species diversity.

We conclude that the construction of the WDC, a new 4-lane freeway adjacent to the GSL shore lands would have significant, irreparable impacts to the wildlife populations that rely on those habitats, would substantially degrade the value of that habitat, and would permanently alter the composition of the wildlife community in the area. These impacts would extend large distances

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from the road, over a kilometer for many species, with substantial effects to the GSL shore land wildlife communities.

The DEIS does not make the same conclusions. The DEIS describes several indirect effect factors, including fragmentation, collision mortality, noise disturbance, water pollution, and artificial light disturbance. It does not, however, address many other important factors including weed introduction, movement barriers, visual disturbance, roadway avoidance, or edge effects. All direct and indirect effects should be included and evaluated in the FEIS and appropriate minimization and mitigation measures incorporated as feasible into roadway design, construction, and operation. USFWS offers their continued assistance in developing these measures.

The DEIS provides a substantial discussion of the impacts of noise on wildlife, relying largely on the Legacy Avian Noise Research Program (LANRP) findings. We have several concerns regarding the extent to which UDOT bases its conclusions on the LANRP findings and reference The Nature Conservancy's report (*Review of the "Legacy Avian Noise Research Program: Final Report"* [Cavitt 2013]) for details of the study's limitations, difficulty in controlling variables, and inconclusive findings. Further, the LANRP Final Report was never published, and thus never went through the rigorous peer review process required of all scientific journal publications. We therefore conclude the indirect effects analysis relative to noise should not be based on the LANRP, but instead on the existing body of peer reviewed, published science. We recommend the FEIS accordingly reduce its discussion of the LANRP, particularly relative to substantive conclusions on the effects of noise based on the LANRP Final Report.

The DEIS does not properly evaluate the combined effects of the indirect effect factors. The DEIS discussion addresses indirect effect factors individually, describing impacts and identifying measures by which the impacts of each could be reduced. Fragmentation, collision mortality, noise disturbance, water pollution, and artificial light disturbance are each specifically discussed. Ultimately the DEIS discounts any overall negative impact on wildlife communities by addressing each factor only individually, describing its effects, how they would be mitigated, and concluding its impacts are insignificant. However, the literature is clear that there are a variety of causal factors that can act synergistically to cause wildlife to avoid roadways and adjacent habitats. Accordingly, we recommend the FEIS take a more comprehensive approach to the indirect effects analysis, evaluating every factor specifically and all cumulatively with respect to habitat impacts.

USFWS is working with UDOT to address these concerns through efforts of the WDC Wildlife Working Group, comprised of UDOT, Utah Division of Wildlife Resources, Utah Reclamation, Mitigation, and Conservation Commission, Environmental Protection Agency, and the Corps of Engineers. This group seeks common ground regarding the analysis of indirect impacts to wildlife habitats and the mitigation of those impacts. We continue to encourage UDOT to understand the irreplaceable value of the GSL ecosystem and to ensure that all impacts to this unique resource will be fully mitigated. Should the group successfully define an approach to indirect effect analysis and mitigation that is acceptable to the participating agencies, we recommend UDOT and FHWA incorporate these findings into the FEIS.

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Specific Comments

Sec. 14.3.1.1, Methodology for Assessing Wildlife and Habitat, p.14-7 – As USFWS has commented previously, the Western yellow-billed cuckoo requires large tracts of riparian habitat, creating an unusually high standard for the habitat assessment. While a tract of riparian habitat may not be of suitable extent or quality for the cuckoo, it may provide good lowland riparian habitat for a suite of other avian species. Riparian habitats support a greater variety of wildlife than any other habitat type, provide critical nesting and foraging habitat for migratory birds, and yet comprise the smallest percent of habitat type in Utah. We are concerned that this may have resulted in riparian habitat being under-ranked and therefore undervalued within the study area. We recommend that all riparian areas, regardless of their score in the habitat assessment, be avoided to the extent possible, and unavoidable impacts be replaced or restored with an equivalent or greater acreage.

Sec. 14.3.1.1, Methodology for Assessing Wildlife and Habitat, p.14-8 – As USFWS has commented previously, we question the merits of averaging the habitat assessment scores within a given parcel, rather than using the highest single-species score. Essentially, if the parcel provides excellent habitat for a particular species, then it is excellent habitat and should be scored accordingly.

Sec. 14.3.1.2, Threatened, Endangered, and Sensitive Species, p.14-20 – The DEIS narrowed the geographic scope of analysis for potential Threatened/Endangered/Sensitive (T/E/S) species to the WDC study area; previously USFWS understood the analysis area to be the Ecosystem Impact Analysis Area (EIAA). The WDC study area is too narrow a focus for determining potential for T/E/S species occurrence within the study area based on Natural Heritage data elemental occurrences. Because birds and many mammals are sufficiently mobile, the WDC study area has not previously been extensively surveyed, and the WDC team did not conduct surveys within the study area for this project, we believe the FEIS should re-broaden its scope to the EIAA to determine the potential for T/E/S species occurrence. We believe this was what was originally intended, but for some reason did not occur.

Sec. 14.4.1, Habitat Degradation, p. 41-31 – Much of the available scientific literature is focused on noise impacts of highways to wildlife. However, there are an increasing number of studies that identify other causes for wildlife road avoidance such as lights, vehicle movements, pollution, and mortality (Green et al. 2000, Mumme et al. 2000, Ingelfinger and Anderson 2004, Coffin 2007, Kociolek et al. 2011, Summers et al. 2011, Dietz et al. 2013). As discussed in the *Indirect Impacts to Wildlife* section above, we recommend the FEIS take a more comprehensive view toward discussion of the factors that lead to habitat impacts adjacent to roads. In addition, the DEIS (last paragraph of this section) states: "…species responses to the potential degradation factors appear to vary widely…" This is quite inconclusive and non-committal; we recommend the FEIS include a more definitive statement: "there is substantial scientific evidence to show that negative effects from roadways extend to many species well beyond the roadway itself."

Sec. 14.4.3.3, Legacy Parkway Avian Study, p.14-42 – The title of this section is somewhat misleading, as it was not limited to the Legacy Parkway area and it was not a broad avian study but was focused only on the effects of noise. We recommend the section be re-titled.

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Sec. 14.4.3.3, Legacy Parkway Avian Study, p.14-43 – The Legacy Avian Noise Research Program report does not conclude a "very weak" relationship (the p-value is actually cited as being 0.000), as the DEIS states. Rather, the report says, "…the relationship between species diversity and highway noise was significant…as was the relationship between species richness and noise." The report actually does not discuss whether the relationship was positive (greater diversity and richness with higher noise levels) or negative (lower diversity and richness with higher noise). We recommend the FEIS more accurately report the conclusion of the Legacy noise study.

Sec. 14.4.3.3, Comparison of Noise Data between the WDC and Legacy Parkway, p.14-43 – The DEIS states that noise levels from the WDC would be similar to those of Legacy Parkway; however, Legacy Parkway was constructed with quieting pavement, trucks and trailers are not allowed to use the Parkway, and the speed limit is reduced to 55 miles per hour. The FEIS should identify these differences. We also recommend UDOT commit to a similar construction material that would similarly reduce the WDC noise levels.

Sec. 14.4.3.3, Comparison of Noise Data between the WDC and Legacy Parkway, p.14-44 and 14-45 – It cannot be said that the Legacy Report found that Legacy Parkway "…caused only one instance of negative noise effects and caused many neutral or positive noise effects on wildlife in the areas adjacent to Legacy Parkway." The report itself warned that the "analyses…are inconclusive" and that "inferences about highway noise on the effects (sic) of both avian abundance and nesting success should be treated cautiously…" We recommend that statements regarding the Legacy study's conclusions be more carefully reported.

Sec. 14.4.3.3, Summary of WDC Noise Levels and Potential Effects, p.14-45 – The Legacy Avian Noise Research Program report does not conclude a "very weak" relationship (the p-value is actually cited as being 0.000), as the DEIS states. Rather, the report says, "…the relationship between species diversity and highway noise was significant…as was the relationship between species richness and noise." The report does not discuss whether the relationship was positive (greater diversity and richness with higher noise levels) or negative (lower diversity and richness with higher noise). We recommend the FEIS more accurately state this conclusion of the Legacy noise study.

Sec. 14.4.3.7, State of Utah Sensitive Species, Table 14-11, p.14-52 and 14-53 – The geographic scope of analysis is too narrow and should include past observances of species within the broader Ecosystem Impact Analysis Area. In addition, it is unclear why the table indicates "no impact" for bald eagle when the species is seasonally prevalent within the study area and a nest exists in the Ogden Bay Waterfowl Management Area. We recommend the footnote be removed and the table be adjusted to show that impacts to bald eagles are likely to occur.

Sec. 14.4.3.7, General Discussion of Impacts to Sensitive Species, p.14-54 – We recommend UDOT determine if the bald eagle nest site in the Ogden Bay Waterfowl Management Area is within one mile of any construction activities. Construction activities should occur outside of the one mile protective buffer or avoid the bald eagle nesting season (January 1 – August 31). In addition, if the nest is within one mile, the FEIS should discuss the potential impacts to this nest

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site, including the potential for nest abandonment, loss of foraging resources, and highway mortality of fledgling eagles.

Sec. 14.4.3.7, General Discussion of Impacts to Sensitive Species, p.14-54 and 14-55 – This section contains many references to a "WDC wildlife survey crew," a misleading title given that there were not any wildlife surveys conducted. We are guessing this crew might have been the "WDC wildlife habitat assessment crew." Also several of these species have had species occurrences within the EIAA, a more appropriate geographic scope to consider when evaluating the potential for occurrences within the project area. As commented previously, we recommend the scope be broadened to include the entire EIAA.

Sec. 14.4.3.8, Impacts to Conservation Areas, 14-57 – The DEIS conclusion regarding noise levels and the associated impacts to avian species should not be based entirely on the inconclusive results of the Legacy Avian Noise Research Program, given the body of peer-reviewed science available on the subject. Further, the Legacy report does not conclude a "very weak" relationship (the p-value is actually cited as being 0.000), as the DEIS states. Rather, the report says, "…the relationship between species diversity and highway noise was significant…as was the relationship between species richness and noise." The report does not discuss whether the relationship was positive (greater diversity and richness with higher noise levels) or negative (lower diversity and richness with higher noise). We recommend the FEIS more accurately state this conclusion of the Legacy noise study and re-evaluate the applicability of the study's results to the WDC project.

Sec. 14.4.4.1, Alternative A1, Wildlife, Habitat Loss, p.14-60 – It is unclear why the DEIS focuses on the value of habitats only for nesting or "other reproductive uses" when the GSL ecosystem habitats are of equal, if not greater, value for migratory stopover (feeding and resting) habitat. We recommend the FEIS broaden the discussion here and in each of the corresponding alternatives' Habitat Loss sections.

Sec. 14.4.4.1, Alternative A1, Migratory Birds, p. 14-65 – Noise is but one of a variety of factors which could cause a reduction in habitat quality near the roadway; it is unclear why only noise is mentioned here. We recommend the FEIS also identify and evaluate the other potential factors that diminish habitat quality near roads, including on-road mortality, light and other visual disturbance, and habitat degradation from pollution, invasive plant species, decreased water quality; and edge effects. In addition, the document incorrectly states impacts "…would affect individual birds but not affect bird populations." Bird populations (defined as a group of individuals of a given species using the same area of habitat) in fact would be affected by the WDC roadway disturbance if they abandon use of an area. We recommend the text in the FEIS be modified to reflect this population-level effect. These comments apply to each of the corresponding alternatives' Migratory Birds sections.

Sec. 14.4.7, Recommendations to Minimize Growth Impacts to the Ecosystem, p.14-110 – The purpose of this section is unclear, as UDOT is not proposing or recommending any action but merely providing information. We support the dissemination of this information; however this section is insufficient. We recommend UDOT take a more active role toward guiding the future growth that will be induced by the construction of the WDC. By creating the

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infrastructure for growth (i.e., the WDC), UDOT takes a large amount of responsibility for where and how quickly that growth will occur. We recommend UDOT take an active role in facilitating "smart growth" principles; partnering on "smart growth" conversations, workshops, and planning efforts; and incorporating "smart growth" components into the road design (e.g., locating interchanges and designing access to direct intelligent development and promote natural area protection).

Sec. 14.4.6.1, Mitigation Measures for Impacts to Wildlife and Wildlife Habitat – We have several comments in this section:

- Impacts to Nesting Birds, page 14-106 – We recommend UDOT determine whether the bald eagle nest site in the Ogden Bay Waterfowl Management Area is within one mile of any construction activities. Construction activities should occur outside of the one mile protective buffer or avoid the bald eagle nesting season (January 1 – August 31). In addition, if the nest is within one mile, the FEIS should adequately discuss the potential impacts to this nest site, including the potential for nest abandonment, loss of foraging resources, and highway mortality of fledgling eagles.

- Noise Impacts, page 14-107 – Noise impacts to habitat will not be limited to the Preserve, as indicated in the DEIS. Other noise-affected areas would include the shore land habitats to the south and west of the Glovers Lake alignment, northwest of the Central Davis Sewage Treatment Plant, and east of Howard Slough WMA. The statement "…other land… is either suburban land or farmland that has marginal or no wildlife habitat" is inaccurate. These areas were mostly assessed as high quality habitat with some medium and medium-high quality parcels. The FEIS should identify and evaluate all areas impacted by noise from the WDC.

- Vegetation, page 14-108, 6th bullet – We recommend UDOT commit to mitigating all impacts to lowland riparian habitats, a rare and important habitat type for a diversity of wildlife. Where losses are permanent, riparian habitat should be re-established elsewhere at a minimum 1:1 ratio or enhanced at a minimum 3:1 ratio.

SECTION 4(f) EVALUATION COMMENTS

Wildlife/Waterfowl Areas

Great Salt Lake Shorelands Preserve

The Great Salt Lake Shorelands Preserve (Preserve) would be impacted, directly and indirectly, by all action alternatives, more so by Alternative A which traverses a greater extent of the Preserve boundary. The draft Section 4(f) evaluation proposes a de minimis determination for the Preserve, with compensation proposed only for the 17-18 acres of Utah Reclamation, Mitigation, and Conservation Commission (URMCC)-owned parcels that would be directly impacted by the roadway. A *de minimis* determination can be made only if, after minimization and mitigation measures are employed, there are no adverse impacts to the features, attributes, or activities of the Preserve.

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The proposed mitigation is inadequate to compensate for the impacts of the WDC project for two reasons. First, the Preserve lands were acquired by URMCC in conjunction with The Nature Conservancy (TNC) to ensure an ecologically whole unit and should not be treated separately; impacts to or fragmentation of the TNC portions impact the function of the Preserve unit as a whole. We recommend FHWA and UDOT consider the entire Preserve property, not just the publicly-owned parcels, when determining measures to minimize harm.

Second, UDOT and FHWA propose to compensate only the direct impacts of the roadway without considering the substantial permanent indirect impacts to habitat quality that result from a new freeway on the Preserve's northern boundary. We refer to our comments in the *Indirect Effects to Wildlife Habitat* section earlier in this letter. Thus, the wildlife habitat values would need to remain the same as the current baseline. We recommend UDOT and FHWA consider both direct and indirect impacts to the Preserve when determining measures to minimize harm in order to achieve a *de minimis* determination.

Farmington Bay Waterfowl Management Area

The Farmington Bay Waterfowl Management Area (FBWMA) would be impacted by the action alternatives utilizing the Glovers Lane option (A1, A2, B1, and B2). The alignments would lie approximately 465 feet from the northern edge of the FBWMA at the closest point. The impacts to wildlife habitat would be indirect, and would affect the features, attributes, or activities of the FBWMA. We refer to our comments in the *Indirect Effects to Wildlife Habitat* section earlier in this letter.

FHWA and UDOT made the preliminary determination that the WDC would not adversely affect the FBWMA. This determination was based on the presence of Glovers Lane and a transmission line between the Glovers Lane alignment and the FBWMA, and that there would be no direct use of the property. The size and traffic volume of the proposed WDC facility, however, far exceeds that of the existing Glovers Lane, with impacts to the FBWMA's habitat values correspondingly much greater. In addition, a new freeway facility in such proximity to the FBWMA would introduce a suite of impacts very different from that of a transmission line, including: noise, light, and visual disturbance; habitat degradation from pollution, invasive plant species, and decreased water quality from winter salting operations, contaminants, and trash; on-road mortality; and barriers to movement. These impacts would cumulatively lead to the loss of habitat value on the FBWMA.

We recommend UDOT and FHWA consider the indirect impacts and the loss of habitat value to the FBWMA in the Section 4(f) Evaluation. The proposed Glovers Lane alignment would adversely affect the activities, features, or attributes of the FBWMA. A *de minimis* determination could likely be made with appropriate mitigation.

We concur that there is no feasible or prudent alternative to the use of wildlife/waterfowl areas under Preferred Alternative selected in the document. While a variety of mitigation measures are included in the 4(f) evaluation, there is no documentation that the "officials with jurisdiction" concur in them or the proposed *de minimis* findings. In addition, we note (Section 27.7) that

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additional consultation and coordination with these officials is ongoing. Accordingly, we cannot at this time concur that all measures to minimize harm to wildlife/waterfowl resources have been incorporated into the project. We would be willing to reconsider this position at such time as the officials' concurrences in both proposed mitigation and *de minimis* findings have been obtained.

Historic Properties

We acknowledge that this project will have adverse effects to historic properties. Further, we understand that UDOT is preparing a Programmatic Agreement (PA) or a Memorandum of Agreement (MOA) in consultation with the Utah State Historic Preservation Office and consulting to minimize these adverse effects. Although the document does not contain a draft MOA, measures to minimize harm are identified elsewhere in the document. These measures, as well as any other measures as needed, should be incorporated into the MOA.

Following our review of the Section 4(f) Evaluation, we concur that there is no feasible or prudent alternative to the use of historic properties under Preferred Alternative selected in the document. Contingent upon execution of the MOA amongst the consulting parties, we would also concur that all measures have been taken to minimize harm to these resources.

Parks and Recreation Areas

We concur that there is no feasible or prudent alternative to the use of park and recreation areas under Preferred Alternative selected in the document. While a variety of mitigation measures are included in the 4(f) evaluation, there is no documentation that the "officials with jurisdiction" concur in them or (with one exception) the proposed *de minimis* findings. In addition, we note (Section 27.7) that additional consultation and coordination with these officials is ongoing. Accordingly, we cannot at this time concur that all measures to minimize harm to park and recreation resources have been incorporated into the project. We would be willing to reconsider this position at such time as the officials' concurrences in both proposed mitigation and *de minimis* findings have been obtained.

We appreciate the opportunity to review this document and provide these comments. Should you have questions about waterfowl/wildlife comments, please contact Betsy Herrmann, Fish and Wildlife Service, at [redacted] Please direct comments related to historic properties and park/recreation areas to Cheryl Eckhardt, National Park Service, at [redacted]

Sincerely,

Robert F. Stewart
Regional Environmental Officer

cc:
SHPO-UT Cory Jensen (coryjensen@utah.gov)
UDOT Brandon Weston (brandonweston@utah.gov)

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Exhibit E
Utah Public Lands Policy Coordination Office Designation Letter

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State of Utah
GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor

Office of the Governor
PUBLIC LANDS POLICY COORDINATION
JOHN HARJA
Director

April 26, 2011

Randy Jefferies
Utah Department of Transportation Region 1
166 W Southwell Street
Ogden, UT 84404-4194

Subject: West Davis Corridor
RDCC Project No. 25280

Dear Mr. Jefferies:

The Public Lands Policy Coordination Office (PLPCO) has coordinated a review by other state agencies of this proposed project. Comments from state agencies are listed below for your review.

Division of Water Rights

This project may require a stream alteration permit or a water right. Please contact Dana Dredge at (801) 538-7392 if you need further assistance.

Division of Drinking Water

The division has determined that Alternative A would have the least possible impact on public water supplies/sources because it is almost entirely outside of any source protection zones.

Division of Wildlife Resources

The Farmington Bay Wildlife Management Area (FBWMA) is an important resource to the state that protects waterfowl habitat and provides public hunting recreational opportunities. This project may result in the loss of some FBWMA lands and/or impact important wildlife resources on the FBWMA. The state requests the Environmental Impact Statement (EIS) provide sufficient information to allow analysis of how the FBWMA may be affected by West Davis Corridor (WDC) construction and operation. Specifically, the state requests the EIS consider:

- Loss of the FBWMA North access for hunting and recreational use of area dikes and marshes.
- Loss of direct public access and recreational use of the FBWMA Nature Center and trails.
- Direct loss of FBWMA property.
- Potential impairment of Utah Division of Wildlife Resources (UDWR) water rights.

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The FBWMA should be considered a U.S. Department of Transportation 4(f) property as it is a publicly owned recreation area, and a wildlife/waterfowl refuge. The FBWMA has significant value to the residents of the State of Utah and construction of the WDC may substantially impair 4(f) uses associated with FBWMA.

Additionally, Glover's Lane is adjacent to FBWMA and the wetland parcels associated with them would be impacted by the Glover Lane alignment. These parcels are mitigation for wetland fill in other locations and the loss of the functional value of these wetlands will also need to be appropriately mitigated. UDWR currently assists with property management of these parcels, as they will ultimately be added to the FBWMA. Wetlands along this alignment should be considered perennial, high value wetlands as they support important habitat for several species of ducks, Canada geese, shorebirds and water birds. Also, the upland fields are important foraging sites for Canada geese and they support nesting populations of ducks and ring-necked pheasants. Bald eagles use winter roost and resting sites along Farmington Creek and other tree sites within this corridor during the winter months. Eagles may be displaced from a loss of these trees or by disturbance from close proximity of the proposed highway. The Glover's Lane alignment will impact 124 acres of wildlife habitat, 8.6 acres of wetlands and 90 acres of floodplain, while the North Shepard Lane alignment option will impact only 14 acres of wildlife habitat, 0.7 acres of wetlands and 2 acres of floodplain. Due to the reduced impacts to wetlands, wildlife habitats and public uses, the division recommends the Shepard Lane option for the WDC connection to I-15. The division recommends the EIS include an analysis of the potential impacts to these habitats for the North Shepard Lane and Glover Lane alignment from potential fragmentation and degradation by this project.

The alignment that begins at Shepard Lane and meanders north along the eastern boundary of the Great Salt Lake (GSL) wetlands to just west of Bluff Road is shared by all 3 alternatives. This alignment would impact approximately 31 acres of diverse wetlands and 276 acres of high quality wildlife habitats. This corridor crosses the Rouche Access UDWR owns and manages for access to recreational marshes adjacent to the GSL. The recreational marshes are owned by The Nature Conservancy and the State of Utah. The state requests the EIS provide sufficient information to allow the analysis of how the Rouche Access and other recreational access points may be affected by WDC construction and operation. In addition, the division recommends a detailed analysis of the other wetlands and wildlife habitat in the corridor focusing on potential impacts from habitat fragmentation and degradation.

Alternatives A and B share a similar alignment from Gentile Street to 5500 South. This area provides habitat for neo-tropical migrant songbirds and provides a nesting and migratory corridor between the wetlands to the west and riparian/wetland habitats to the east. Portions of the Hooper Slough have been identified and zoned as a "nature area" by Hooper City. UDWR receives water drainage flows from the Weber Basin Water Conservancy District, to support wetlands in the Howard Slough WMA and portions of Ogden Bay Waterfowl Management Area (OBWMA) in this corridor. The division recommends analysis of the impact of this alignment to wildlife from fragmentation, loss of drainage flows, and the loss of water flows to downstream wetlands in the EIS.

The arterial alignment of Alternative A begins at 4000 South and continues north to 1200 Street in Ogden. This alignment may impact the Nielson Access road, UDWR's north-eastern access point to the OBWMA. This access area is located at approximately 2550 South and 5100 West and will need to remain available for public and administrative access during construction activities and following any permanent alignment in this location. The division requests the EIS provide sufficient

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information to allow the analysis of how this area may be affected by WDC construction and operation.

The wetlands located west of this alignment have been identified as medium quality in the EIS. UDWR's knowledge of these wetlands and observations of wildlife use over time suggests these wetlands should be considered as high quality. The division recommends analysis of this alignment include impact to wildlife from fragmentation, loss of drainage flows, and the loss of water flows to downstream wetlands in the EIS.

The Alternative A alignment with a central option branches off from the shared Alternative A and B alignment near 2700 South in Syracuse and heads north/north-west out into the GSL around the North Davis Sewer Improvement District (NDSID) facility. The EIS should include analysis of the following wildlife concerns:

- Wetlands located north-west of 1700 South should be considered high value wetlands due to their location adjacent to the Great Salt Lake. The majority of this area is an important staging area for raptors, water birds and shorebirds.
- The alignment crosses many wetlands associated with the floodplain of the GSL. The area west of the NDSID supports extremely valuable wetland habitats for water birds.
- The GSL water elevation has been at the level of the discharge point from the NDSID. Any alignment in this area should consider design options to accommodate a high salt water scenario.
- This alignment needs an evaluation of wetland acreage and/or wildlife habitats similar to other alignment alternatives including the impoundments created by the Nature Conservancy.

For all alignment alternatives the EIS should address the following issues and concerns:

- Degradation of wetland water quality from potential contaminant drainage into wetlands from items such as petroleum products, anti-freeze, ice-melting chemicals, vehicle spills, etc.
- Impacts to shallow groundwater aquifers that support downstream wetlands.
- Direct, indirect and cumulative impacts to wetlands and wildlife and their habitat including fragmentation of wetlands and wildlife habitats, hydrological impacts to GSL, noise impacts, and lighting impacts.
- Increased potential for noxious weed establishment and trash accumulation.

The State of Utah appreciates the opportunity to review this proposal and we look forward to working with you on further analysis of this proposal. Please direct any other written questions regarding this correspondence to the Public Lands Policy Coordination Office at the address below, or call Judy Edwards at [redacted]

Sincerely,

John Harja
Director

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32.11.2A

Exhibit F
Selected Studies of Health Problems Caused by Freeways

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Freeways are a Public Health Hazard

1. Studies show that the zone of increased pollution along a freeway corridor (compared to community wide concentrations) is approximately two miles wide.

2. People who live, work or travel within 165 feet downwind of a major freeway are exposed to the most dangerous part of air pollution, ultrafine particulate matter, at concentrations 25-30 times higher than the rest of the community.

3. For people who live near a freeway, the concentration of freeway generated pollution inside their homes is about 70% as high as outdoor air along the freeway corridor. For an average home, the indoor air exchanges completely with outdoor air every two hours. People living near a freeway are unquestionably breathing more pollution.

4. Wasatch Front air pollution is already a serious public health hazard. Our air pollution is sometimes the worst in the nation and typically we rank in the top ten worst cities in the country for acute spikes in air pollution. All of the health consequences of air pollution are found at even higher rates among people who live near freeways or other high traffic locations, including heart and lung diseases, strokes, shortened life spans, higher mortality rates, poor pregnancy outcomes, multiple types of cancer and even autism. Freeways are literally cancer and autism corridors.

Thousands of studies confirm the health threat of freeway pollution.
Below is a small samples of those studies.

The rate of progression of hardening of the arteries, the cause of strokes, heart attacks and generalized aging, is double for those living within 100 meters of a freeway.

Künzli N, Jerrett M, Garcia-Esteban R, Basagaña X, Beckermann B, et al. (2010) Ambient Air Pollution and the Progression of Atherosclerosis in Adults. PLoS ONE 5(2): e9096. doi:10.1371/ journal.pone.0009096

Children who live within 500 meters of a major highway are not only more likely to develop asthma and other respiratory diseases, but their lung development may also be stunted permanently.

Gauderman WJ, et al. "Effect of exposure to traffic on lung development from 10 to 18 years of age: a cohort study," The Lancet, Volume 368, February 2007.

Living within 1,000 ft of a freeway doubles the risk of a child being born with autism.

Volk HE, Hertz-Picciotto I, Delwiche L, Lurmann F, McConnell R. Residential proximity to freeways and autism in the CHARGE study. Environ Health Perspect. 2011 Jun;119(6):873-7. doi:10.1289/ehp.1002835. Epub 2010 Dec 13.

Children growing up with more traffic pollution have significantly lower IQs and

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impaired memory.

Suglia SF, et al. Association of Black Carbon with Cognition among Children in a Prospective Birth Cohort Study Am J Epidemiology 2008 167:280-286

Pregnant mothers exposed to more air pollution, give birth to children with lower intelligence, and behavioral and attention deficit disorders, even if the children breathe clean air themselves.

Frederica P. Perera, Deliang Tang, Shuang Wang, Julia Vishnevetsky, Bingzhi Zhang, Diurka Diaz, David Camann, Virginia Rauh. Prenatal Polycyclic Aromatic Hydrocarbon (PAH) Exposure and Child Behavior at age 6-7. Environmental Health Perspectives, 2012; DOI: 10.1289/ehp. 1104315

Edwards SC, Jedrychowski W, Butscher M, Camann D, Kieltyka A, Mroz E, et al. 2010. Prenatal Exposure to Airborne Polycyclic Aromatic Hydrocarbons and Children's Intelligence at Age 5 in a Prospective Cohort Study in Poland. Environ Health Perspect :-. doi:10.1289/ehp.0901070

Pregnant women who lived close to high-traffic roadways during pregnancy were more likely to give birth prematurely or have a low-weight baby, putting the child at risk for multiple, life long chronic diseases

Laurent O, Wu J, Li L, Chung J, Bartell S. Investigating the association between birth weight and complementary air pollution metrics: a cohort study. Environ Health. 2013 Feb 17;12(1):18. doi: 10.1186/1476-069X-12-18.

Wilhelm M, et al. Traffic-Related Air Toxics and Term Low Birth Weight in Los Angeles County, California. Environ Health Perspect. 2012 January; 120(1): 132–138. Published online 2011 August 11. doi: 10.1289/ehp.1103408

Living within 100 meters of a freeway increases the risk of childhood leukemia 370%, living within 300 meters increases the risk 100%.

Amigou A, et al. "Road traffic and childhood leukemia: The ESCALE study (SFCE) authors" Environ Health Pers 2010; DOI: 10.1289/ehp.1002429.

Pregnant mother breathing higher rates of air pollution give birth to children who have higher rates of several types of rare childhood cancers.

Prenatal air pollution associated higher rates of retinoblastomas, ALL, and germ cell tumors. http://www.aacr.org/home/public--media/aacr-in-the-news.aspx?d=3062

Women exposed to more traffic-related air pollution have higher rates of breast cancer and decreased survival if they get breast cancer. Background Wasatch Front levels correlate with an increase of about 125%, living near a freeway increases that much more.

Crouse DL, Goldberg MS, Ross NA, Chen H, Labrèche F 2010. Postmenopausal Breast Cancer Is Associated with Exposure to Traffic-Related Air Pollution in Montreal, Canada: A Case–Control Study. Environ Health Perspect 118:1578-1583. doi:10.1289/ehp.1002221

Chronic exposure to traffic air pollution increases the risk of lung cancer.

Comment 954 (continued)

Response Section in Chapter 32 ↪

Raaschou-Nielsen O, Andersen Z, Hvidberg M, Jensen SS, Ketzel M, Sorensen M, Loft S, Overvad K, Tjonneland A. Lung Cancer Incidence and Long-Term Exposure to Air Pollution from Traffic. Environ Health Perspect. 2011 Jan 12. [Epub ahead of print]

High traffic air pollution exposure more than doubles the rate of cervical and brain cancer, and increases the risk of prostate cancer and stomach cancer

Raaschou-Nielsen O, Andersen ZJ, Hvidberg M, Jensen SS, Ketzel M, Sorensen M, Hansen J, Loft S, Overvad K, Tjonneland A. Air pollution from traffic and cancer incidence: a Danish cohort study. Environ Health. 2011 Jul 19;10:67. doi: 10.1186/1476-069X-10-67.

Parent ME, Goldberg MS, Crouse DL, Ross NA, Chen H, Valois MF, Liautaud A.
Traffic-related air pollution and prostate cancer risk: a case-control study in Montreal, Canada. Occup Environ Med. 2013 Mar 26. [Epub ahead of print]

People exposed to more traffic related air pollution have more DNA damage, a trigger for multiple chronic diseases including cancer.

Huang HB, Lai CH, Chen GW, Lin YY, Jaakkola JJ, Liou SH, Wang SL. Traffic-related air pollution and DNA damage: a longitudinal study in Taiwanese traffic conductors. PLoS One. 2012;7(5):e37412. doi: 10.1371/journal.pone.0037412. Epub 2012 May 21.

Traffic related air pollution shortens telomeres (a critical part of chromosomes). Shortened telomeres are highly correlated with reduced life expectancy

McCracken J, Baccarelli A, Hoxha M, Dioni L, Melly S, Coull B, Suh H, Vokonas P, Schwartz J. Annual ambient black carbon associated with shorter telomeres in elderly men: Veterans Affairs Normative Aging Study. Environ Health Perspect. 2010 Nov;118(11):1564-70.

Residential proximity to major roadways is associated with decreased kidney function.

Lue S, Wellenius G, Wilker E, Mostofsky E, Mittleman M. Residential proximity to major roadways and renal function. J Epidemiol Community Health Published Online First: 13 May 2013 doi:10.1136/jech-2012-202307

Long term exposure to traffic-related air pollution is associated with insulin resistance in children and type II diabetes in adults

Thiering E, Cyrys J, Kratzsch J, Meisinger C, Hoffmann B, Berdel D, von Berg A, Koletzko S, Bauer CP, Heinrich J. Long-term exposure to traffic-related air pollution and insulin resistance in children: results from the GINIplus and LISAplus birth cohorts
Diabetologia, DOI 10.1007/s00125-013-2925-x

Chen H, Burnett RT, Kwong JC, Villeneuve PJ, Goldberg MS, Brook RD, van Donkelaar A, Jerrett M, Martin RV, Brook JR, Copes R. Risk of Incident Diabetes in Relation to Long-term Exposure to Fine Particulate Matter in Ontario, Canada. Environ Health Perspect (): .doi:10.1289/ehp.1205958

Liu C, Ying Z, Harkema J, Sun Q, Rajagopalan S. Epidemiological and Experimental Links between Air Pollution and Type 2 Diabetes. Toxicol Pathol. 2012 Oct 26. [Epub ahead of print]

Compiled by the Utah Physicians for a Healthy Environment

Comment 954 (continued)

Response Section in Chapter 32 ➥

32.2.13C

Exhibit G
Photo of Fog at Ranches HOA, Winter 2013

Comment 954 (continued)

Response Section in Chapter 32 ➥

Exhibit H
UDOT Table, showing comparison of residential relocation impacts on Glovers Land vs. Shepard Lane

Preliminary Impacts (These numbers are preliminary and will change during the EIS process)	*Glovers Lane*	*Shepard Lane*
Impacts to the Built Environment		
Number of residential relocations	0	10
Number of business relocations	1	3
Number of plat impacts	0	0
Number of Section 4f (Public parks, wildlife refuges, historic properties)	4	3
Impacts to Farmlands		
Acres of Farmland (irrigated prime or unique soils)	9.3	0.0
Acres of APAs	0.0	0.0
Impacts to Natural Resources		
Total Acres of Wetlands	9.4	7.8
Acres of high quality wildlife habitat	2.4	0.0
Acres of 100-year floodplain	172.6	25.0
Costs		
Cost estimates are being updated and will be provided in the DEIS.		

UDOT, Table from Map of Refined Alternatives, dated October 2012
File name: "Alternatives AB – 1 of 3 – Oct 2012 (Farmington / Kaysville).pdf"
Source:
http://www.udot.utah.gov/westdavis/uploads/map/4Maps_2012RefinedAlternatives_AlternativesAB_1of3_FarmingtonKaysville.pdf
Accessed: September 5, 2013

Comment 954 (continued)

Response Section in Chapter 32 ➥

32.5.6l

Exhibit I
UDOT WDC freeway map, showing impacted homes (numbers added)
Location: Prairie View Drive and Ranch Road, Farmington, Utah

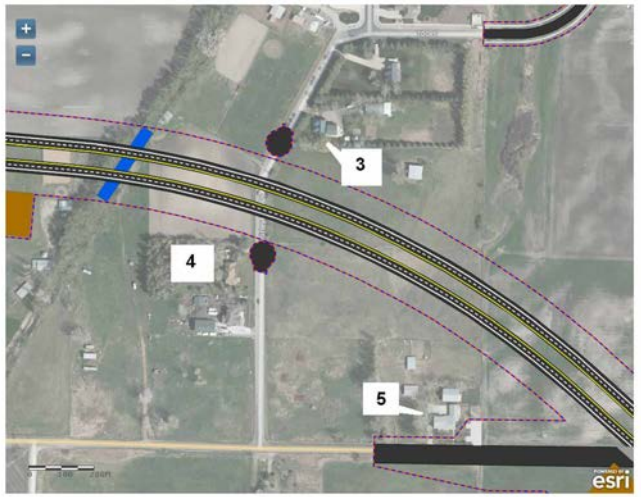
Source: UDOT Maps (numbers added)
http://www.udot.utah.gov/westdavis/maps
Accessed: September 5, 2013

Comment 954 (continued)

Response Section in Chapter 32 ➥

32.5.6l

Exhibit J
UDOT WDC freeway map, showing impacted homes (numbers added)
Location: Shirley Rae Drive and Glovers Lane, Farmington, Utah



Source: UDOT Maps (numbers added)
http://www.udot.utah.gov/westdavis/maps
Accessed: September 5, 2013

Comment 955

Response Section in Chapter 32 ➥

Comment #: 955
Date: 9/6/2013
Source: Email
Name: Nathan Zaugg
Location: Kaysville

Comments:

As a citizen of Utah and of Farmington, I am extremely concerned about the development of a West Davis Freeway. Having read the Draft EIS, my concerns have not been mitigated. I would like to see answers to the following issues addressed in the EIS:

32.15A — 1. Flooding in 1983 and 1984 in Farmington was caused by inability of drainage systems to adequately convey water from the mountains to the lake. This was due to a number of dikes and inadequate channels for drainage. Flooding issues were solved by breaching dikes in the lake, subsequently repairing dikes with improved flow control structures, and the addition of new conveyance facilities in the area. Without careful consideration of the hydrology of the area and proper planning for drainage, addition of the freeway as shown in the Draft EIS will likely result in reduction of the ability of these systems to work properly. The elevated structures planned will not allow surface drainage to occur.

32.2.13C — 2. The areas outlined in Farmington for construction of the highway are already poorly drained soils, which results in the establishment of persistent wetlands in places and in seasonal wetlands in others. Establishment of impermeable surface layers in these areas will result in drainage issues for adjacent homeowners.

3. The areas shown as preferential routes for development of the highway through Farmington are in areas of collapsible soils with high liquefaction potential in the event of a seismic event. Construction of the Legacy Highway was hampered in this area by the discovery of these poor soil conditions. Construction of highway in this area will result in significant differences in construction costs to meet seismic requirements, which leads me to conclude that costs per mile based on typical construction will likely be insufficient to meet the actual building requirements.

32.1.2A — 4. Construction of the highway is unlikely to lead to alleviation of congestion in the long-term, as additional building will occur, wiping out improvements in traffic conditions (Duranton, Gilles, and Matthew A. Turner. 2011. "The Fundamental Law of Road Congestion: Evidence from US Cities." American Economic Review, 101(6): 2616-52.) This can be seen in current traffic conditions associated with Davis County traffic patterns. With the opening of Legacy Highway and FrontRunner, initially traffic conditions improved tremendously. Now, 5-years later, congestion periods are increasing along both routes. Addition of the West Davis Highway will increase congestion along I-15 and Legacy south of Farmington, since there will be no increase in capacity associated with these facilities. Traffic models associated with the Draft EIS do not consider the system impacts associated with the Highway, stopping models at approximately the Farmington/Centerville border. The resultant increase in traffic will be severely problematic for South Davis County, whereas the existing system serves to meter traffic into this area, resulting in better utilization of the entire network.

32.7E

32.2.13C — 5. The route of the Glover alignment will be severely impacted by winter weather conditions. West of the former Denver & Rio Grande rail corridor severe fog occurs on a nearly daily basis in the winter. Fog has been associated with severe traffic pileups in many places, including Utah. In the past, severe fog in the Beck Street area near the 2300 N. offramp of I-15 resulted in severe pileups, which resulted in UDOT capturing the Beck Street Hot Springs in a drainage pipe and routing it directly to the Salt Lake Sewage Canal, reducing (nearly eliminating) fog in the area. The only way of reducing fog in the area of the Glover alignment would be drainage of all adjacent wetlands, a solution that would not likely be permitted. Frost is also a problem on roadways in this area, resulting from the fog in the area. These problems severely limits the utility of the corridor to a good weather facility.

32.2.2G
32.1.2A
32.2.1A — 6. The extreme west alignment of the roadway will result in under-utilization of the system. In order to reach the roadway, all traffic will need to move west. This will result in additional east-west traffic in the area that the system is attempting to serve. These areas are already severely impacted with respect to east-west traffic, which is the biggest impediment to traffic flow in the Syracuse/Clearfield area. Improvements in east-west arterial roads will likely result in greater improvements to transit times in the area.

Comment 955 (continued)

Response Section in Chapter 32 ➥

32.2.1A
32.2.1J
32.18A
32.12A
32.13A
32.15A
32.2.13C — 7. Inadequate consideration has been given to public transit options in the area. The area of the study is underserved by public transit alternatives, with just four bus routes west of I-15, providing inadequate alternatives to those looking to use public alternatives. These bus routs are infrequent, do not have connection to major population centers, and are not fast. Coupled with 30 minute peak scheduling of FrontRunner, public transit is an infrequent and unreliable service. Improvements to the public transit network could be less expensive and potentially reduce congestion on east-west routes and on I-15.

8. The Draft EIS notes that construction of the highway in a flood zone will require elevation of the highway. Depictions of the highway show severe impediments to views and the elevations shown are likely to result in a severe sound impact on adjacent neighborhoods. Additionally, the volume of fill required will result in a compression effect of the soils beneath the highway, resulting in reduced subsurface flow in the area, reducing the depth to groundwater in the area, resulting in even worse drainage for the area, which has already been noted to be a poorly draining area. The domino effect resulting from this reduction in drainage cannot be adequately modeled and could result in severe impacts to adjacent property owners, which could lead to significant claims against UDOT resulting from highway construction.

9. The lack of good fill in the area is likely to result in elevated costs associated with the highway due to long haul distances to acquire suitable fill and aggregate for the highway.

32.31I — 10. The Davis County Commission recently suggested that the Draft EIS neglected to include utility for Farmington in the Glover alignment and requested that an interchange at Clark Lane be included. Clark Lane is currently a low capacity, two-lane residential road. Including an interchange at Clark Lane will require major expansion of Clark Lane, with significant impacts on residents in the area, along with an elementary school. No provision for this interchange, adjacent roadway improvements, nor potential impacts to environment and residents has been included in the Draft EIS. It is likely that this interchange would be included in the final design.

32.2.13C
32.14.2A
32.14.2H
32.14.2M — 11. Impacts to wildlife in the area will also be significant. The alignment outlined for the Glover alignment runs through areas that are currently habitat for Bald Eagles in the winter. Other significant avian species found in the area include egrets, cranes, pelicans, ibis, pintail ducks, etc. The unique environment in the area is a high value wetland. Some have stated that this wetland could be replaced through land exchanges and establishment of additional preserve area. However, this area provides a unique opportunity to allow urban interaction with these species and this locally uncommon ecosystem. Establishing this highway through this area will result in a low quality replacement, with major noise, visual, and air quality impacts. Mitigation of these impacts will not be possible due to the need to elevate the highway. Adjacent trails will not allow immersion into these environments, due to these impacts. The current ecosystem is irreplaceable. Alteration of the routes to avoid these areas, expansion of the existing roadway network, or the "Shared Solution" proposed by some would all be preferable to the route shown.

32.2.1A
32.2.1G

Please feel free to contact me if you have questions regarding any of my comments.

Thank you,

--
Nathan Zaugg
[redacted]

Comment 956

Response Section in Chapter 32 ➥

Comment #: 956
Date: 9/6/2013
Source: Email
Name: Carl & Denise Horne
Location: Kaysville

Comments:

I am strongly opposed to any decision to allow the West Davis Corridor to use the Shepard Lane Route.

32.2.13B

There are numerous reasons- However overall the impact to people is too large a cost.
I support the Glover Lane Route to be used – it has the least impact to people, is more cost effective, and better solution for the road itself (congestion/usage).

Denise E. Horne

Comment 957

Response Section in Chapter 32 ➥

Comment #: 957
Date: 9/6/2013
Source: Email
Name: Jennifer Cieslewicz
Location: Kaysville

Comments:

Hello, My name is Jennifer Hansen Cieslewicz. I have lived in Davis County more than 33 years and I feel I offer a unique and valuable perspective to the West Davis Corridor issue.

The last 10 years I have lived in West Farmington and Kaysville. My husband and I have owned 3 different homes from Glovers Lane to Shepard Lane. 2 of our homes were located in the Farmington Ranches and my current home is located in Quail Crossing.

We have come to know many good people. There is no doubt in my mind that this area is a choice place to live.

In our present Kaysville home we enjoy the unparalleled panoramic views and seeing a variety of wildlife on a regular basis.

32.2.13B

We are all aware the continuing growth out west constitutes the need for a TRUE alternative route to I-15. I strongly believe the Glovers Lane option offers this in the least impactful way.

I believe that wildlife and nature are an important part of what makes living out West so enjoyable and I am very satisfied with the extensive and meticulous study of wetlands that Udot has implemented.

If the only impact that was to be considered was that to the wetlands it would be extremely difficult to choose between the two options as there is only a 1/2 difference.

32.2.6A

However when we consider the results of the human impact it is obvious which choice has the least negative impact. The Shepard Lane option would result in 10 homes being demolished, the Glovers lane option.

32.2.6A

The Shepard Lane option would leave 214 homes within 300 feet of the highway; the Glovers lane option 37.
The numbers unarguably confirm that the path with the least human impact would be Udots Glovers Lane Option.

Comment 957 (continued)

Response Section in Chapter 32 ➥

32.2.6A

Of course I prefer not to loose my home of 7 years but I would be financially compensated.

Nevertheless it would be unprincipled to leave a freeway in the front yard of my neighbors to the north and my backyard neighbors to the south. This is why I so strongly support Udot's Glovers Lane option.

I also acknowledge that while it would be much less impactful to proceed with the Glovers Lane option it will nonetheless still have a negative impact on people I care about and

I don't want anyone's quality of life to be ruined or the value of their homes to be negatively impacted by the new highway.

32.2.13B

32.2.8D
32.2.1H

It is evident that GLOVERS LANE OPTION is the best and least impactful choice for the West Davis Corridor, however I believe that this impact could be lessened even more and in closing I would like to request with great fervor that Udot do everything in their power to alleviate some of the negative impact that would result with Udot's Glovers Lane option by locating the new highway even further south and further west than is presently proposed. I am in support of a reduced speed limit, no billboards and a sound-absorbing road as well as the road being at grade level so as to not obstruct any more view than is absolutely necessary.

We residents of west Kaysville and Farmington just want the best for our children and families. Every effort made by our STATE department of transportation to preserve the quality of life we enjoy and help prevent further financial heartache in this difficult economy would be evident of a State government that truly cares for their people.

Thank you for your time and consideration.

Sincerely, Jennifer Cieslewicz

Comment 958

Response Section in Chapter 32 ➥

32.2.13B

Comment #: 958
Date: 9/6/2013
Source: Email
Name: Dale G. & Barbara Newbold
Location: Kaysville
Comments:

To All Concerned:

Again I commend UDOT for recommending a strong engineering and best utilization solution for the West Davis Corridor by selecting the Glover's Lane solution. It is unquestionably the best solution.
I encourage all concerned to stay with good engineering/logical solutions and not be swayed by special interest groups that continually press for solutions that are not in the best interests of the majority.
I'm an engineer with significant experience in strategic planning and your selection of the Glover Lane approach resolved so many issues that cannot be solved with the Shepard Lane option.
Again I encourage you to stay with the Glover Lane approach. It is vastly better than the other option.
Best Regards, Dale G. Newbold

WEST DAVIS CORRIDOR

Comment 959

Response Section in Chapter 32 ➥

Comment #: 959
Date: 9/5/2013
Source: Email
Name: David and Karen Austin
Location: Kaysville
Comments:

Hi Carlos, Kris, Randy, and Dan,

We hope you are doing well. We've obviously been watching people on Glover's, Farmington City, and special interest groups since the preferred decision was announced. A few observations that many of us have had:

32.31D 1) Farmington officials specifically said they were going to support UDOT's decision no matter what. It seems they have changed their tune. That seems pretty disingenuous. Especially because Shepard has heavy 4F impacts. Must be election season.

32.14.2E 2) Fish and Wildlife have come out in opposition. Interestingly, several officials have said since Legacy Highway was built years ago that it has actually helped the bird population. There were several news reports about it too. http://www.ksl.com/?nid=148&sid=4391528

32.31D 3) EPA told us before the decision was announced that both the Glovers and the Shepard options were close in environmental impacts. In fact, they said that because the wetlands were so close they were looking at the functionality of the wetlands. With deer, foxes, owls, falcons, and other wildlife, it is our understanding that Haight Creek is much more functional than wetlands on Glovers. They also made it clear the preferred route was NOT their decision. That it was up to UDOT (thankfully) who was the lead agency

32.31D 4) Congressman Bishop specifically said he would not allow environmental concerns to trump homeowners. He said it at least twice that I'm aware of. He even wrote an op-ed too. http://www.deseretnews.com/article/765606649/West-Davis-Corridor-Protecting-our-neighbors-while-paving-the-way-to-the-future.html?pg=all

32.2.1G 5) Residents of Glovers are pushing the "Shared Solutions." Interestingly, some people by Shepard asked them for their support long ago in pushing no road at all and they scoffed and said they were supporting that the road go on Shepard. Even at their last rally in February news reports showed them saying this. http://www.ksl.com/?nid=148&sid=24184540 . Now they are pushing Shared Solution. Go figure.

32.31D 32.2.1H 6) It has been somewhat difficult being in the same LDS stake and elementary school. There has been some bad feelings. We have tried hard to be kind and have told them we would push for less impacts along Glover's Lane, such as softer pavement, lowered road, no billboards, etc. similar to Legacy. This has helped a little bit. But we have tried very hard (albeit not perfectly) to be professional and not mean spirited, even well before the decision was announced. And it's frustrating they are pushing so much misinformation now. We are grateful that dirty politics and calling people names (calling UDOT officials UDIOTS instead of idiots) isn't winning out.

32.2.13B 7) In the end, we are truly grateful for your recommendation, for doing what's best. And Mayor Hiatt said he spoke with you and you are continuing to stand behind your decision. Thank you. We can't begin to express how much it means to the hundreds and thousands of us here, including those who would have lost their homes.

Sincerely,

Homeowners in Kaysville and Farmington close to the Shepard Route

Comment 960

Response Section in Chapter 32 ➥

Comment #: 960
Date: 9/6/2013
Source: Email
Name: Danielle Hafen
Location:
Comments:

Hello,

I just wanted to take a moment and let you know of my thoughts on the West Davis Corridor.

32.2.13B I wholeheartedly support the Glover Lane's option as opposed to the Shepard Route.

As was evident in the research, the Glover's Lane provides a more true alternate as it does not direct traffic back onto I-15. Several months ago when there was the high speed chase I was one of the unfortunate people stuck in traffic for an hour...just trying to go a mile down the road. The commuters coming home at this time had no other choice but to wait or take small residential roads. Our quiet neighborhood looked like I-15. It was unreal. Had they had the option of connecting to Legacy without having the nightmare stops on Park Lane (or how the Shepard Route would be designed) I think a lot of the headache could have been avoided. 32.2.6A

32.5.6A On a more personal note, the Glover's Lane option has a far less impact on families in the area. It does not take out any homes as opposed 10 homes taken on Shepard. The Shepard option would have 214 homes within 300 feet on Shepard to only 37 on Glovers. These are staggering differences. I chose this area to raise my family because of the location and quiet community. I certainly wouldn't want to live near a major highway. And those who would lose their homes are my friends and neighbors.

32.2.13B Thank you for taking the time to read my thoughts. We appreciate all of the effort you have put into this project and hearing all the facts.

I support your decision to have the West Davis Corridor connection go on the Glover's Lane route 100%.

Thanks,
Danielle Hafen

Comment 961

Response Section in Chapter 32 ➥

Comment #: 961
Date: 9/6/2013
Source: Email
Name: Ellen Rossi
Location:
Comments:

Date: September 5, 2013

Carlos Braceras, Executive Director
Utah Department of Transportation

West Davis Corridor EIS
466 North 900 West
Kaysville, UT 84037
westdavis@utah.gov

RE: Comments on Draft WDC Environmental Impact Statement

Dear Mr. Braceras:

I am writing to express my disappointment with the findings of the Draft West Davis Corridor EIS; especially with regards to the impact the proposed highway will have on The Nature Conservancy's Great Salt Lake Shorelands Preserve (GSLSP). The EIS is lacking in many ways, but especially in its failure to offer alternatives which will appropriately protect this valuable resource.

32.14.2D

As you are aware, the 4,400 acre GSLSP is the largest naturally occurring wetland/shoreland complex on the Great Salt Lake. Working with the Utah Mitigation Commission, Ducks Unlimited, NAWCA, UDWR and numerous private entities over three decades, the Conservancy has protected more than eleven miles of the lake's shore together with associated uplands and wetlands. GSLSP is one of Utah's most significant natural areas and a magnate for thousands of shorebirds and waterfowl.

32.14.2H
32.13A
32.14.2I
32.14.2J
32.2.1G
32.1.2A
32.23A
32.14.2D

Both Alignment A and Alignment B would cause significant damage to GSLSP – not only in terms of acres lost, but also through the impacts of noise and the blockage of water sources flowing to the Lake. The Draft EIS does not clarify what levels of mitigation are proposed, it contains no appropriate assessment of avian abundance and species richness for GSLSP and it narrowly focuses on the impacts to Jurisdictional Wetlands, rather than including adjacent wetlands and uplands of different classes, which are just as important to wildlife and the overall health of the Preserve.

UDOT must select the least damaging alternative, and this would clearly be to adopt the Shared Solution Alternative outlined by Utahns for a Better Transportation – rather than cause damage to the critical uplands and wetlands of the Great Salt Lake. It would be a serious loss to have a highway compromise GSLSP. I urge you to work with your team to see if this highway is even needed before valuable state dollars are wasted on planning a highway that would cause harmful sprawl, damage the GSLSP ecosystem and do nothing more than cut 5 minutes from the commute time for those traveling from Davis County to Salt Lake.

Sincerely,

Ellen E. Rossi

cc: Governor Gary Herbert, Lt. Governor Greg Bell, Alan Matheson, Jeffrey Holt, Wayne Barlow, Meghan Holbrook, Maunsel Pearce, Chris Montague

Comment 962

Response Section in Chapter 32 ➥

Comment #: 962
Date: 9/6/2013
Source: Email
Name: Michael McConkie
Location: Kaysville
Comments:

32.2.13B
32.2.6A

Shepard option of the West Davis Corridor. I am sending this email to register my opposition to the Shepard Lane route. I live right on the corridor. It would divide our neighborhood right down the middle and have a tremendous impact on the quality of our lives here near Shepard Lane. It would also be a much more complex interchange not serving the public nearly as well as the Glover option… We would lose houses, neighbors and friends… our hope would be that the preferred route would continue to be at Glover… and not cause such stress on families Here in the Shepard area. What I would hope is that environmental concerns could be in part mitigated in figuring out how to improve the wet lands that we currently have as well as solving some of the problems caused by the cementing streams to the lake not allowing the quality of the wet lands in the past (pre 83 floods).
Thank you for listening.

Michael M. McConkie & Gina C. McConkie

WEST DAVIS CORRIDOR

Comment 963

Response Section in Chapter 32 ➥

Comment #: 963
Date: 9/6/2013
Source: Email
Name: Elizabeth Stark
Location: Kaysville
Comments:

To Whom it May Concern,

32.2.13B I am strongly opposed to the Shepard Option of the West Davis corridor. The Glover's Lane option is the most reasonable option in my opinion. It will create a true alternative to I-15. If Shepard Lane is chosen traffic problems will intensify especially if there is a traffic accident on I-15. Over the last several months we have seen

32.2.6A that when I-15 is shut down there are no alternative routes into north Davis County. With the last two freeway closures the traffic has been diverted onto surface streets which greatly decreased the safety in many communities. Along with contributing to congestion in neighborhoods. If Shepard Option is chosen this problem will continue to worsen with increased traffic. When I-15 is closed there can be traffic delays up to 10 hours.

32.2.6A The Shepard Option also directly impacts two communities. Whereas the Glover Option has minimal impact on any community. There is also a loss of 10 homes with the Shepard route compared to 0 homes with Glovers. The loss of these homes will greatly impact families and the community. There are 214 homes that will be within 300 feet of the corridor with Shepard and only 37 on Glovers. This will increase the safety risks to more children, expose more community members to pollution and traffic.

32.2.13B Additionally the concerns about wetlands and wildlife are equal with either route.

Once again I am strongly opposed to the Shepard Option of the West Davis corridor.

Thank you for your consideration,

Elizabeth Stark

Comment 964

Response Section in Chapter 32 ➥

Comment #: 964
Date: 9/6/2013
Source: Email
Name: Allison and Jim and Ethan Morgan
Location: Farmington
Comments:

32.2.13C I have some serious concerns about UDOT's "preferred" route of the WDC that will run between Glover and Shepard lane in Farmington. Not only is this area beautiful but it is home to much wildlife including the Bald Eagle, falcons, and owls...to name a few. It is also home to many people, especially families with small children who are the most susceptible population to exposure to pollution...which a freeway would bring out this way. Not to mention NOISE!

32.2.13D It does not make any sense to me that if you state in your objectives to help encourage mass transit and intermodal travel then why are you building way west of other freeways and existing TRAX line connectors?!? Farmington is already geographically smashed between the Salt Lake and the mountains....why would you run a freeway out west when there are already freeways dissecting the city as it is???

32.2.13C Why did you build Legacy up to the northern point that you did, only to backtrack at Glover lane??

What are your plans to deal with the deadly fog that occurs out in the west side of Farmington that cause nearly zero visibility?? The occurrence of a 100 car pileup like they just had this week in the UK caused by dense fog is a REAL possibility out here!

32.14.3A Why are you planning to destroy irreplaceable wetlands that provide rest and shelter to the millions of birds that travel through them every year??

32.10H How can you say part of your goals are to keep community and access to walking and hiking trails when you will be running a freeway right through the Farmington Ranches Trails?? Those trails are used daily by walkers, runners, bikers, and horseback riders...as well as bird watchers. This areas is also used by hunters and air boaters.

32.31B 32.31H How can a road (Glover Lane option) that is proposed to be elevated, is longer in distance, and subject to environmental lawsuits going to be cheaper to us taxpayers then the shorter Shepard Lane option?? The math does not add up to me.

32.2.13C Why on your decision video did you specifically state the Glover Lane option was better to protect the Oakridge Country Club??? Why should I care as a homeowner, parent, and taxpayer if a PRIVATE COMPANY is or is not affected by this route??? My concerns are for the irreplaceable beauty and wildlife around me, my property values, my quality of life, my family's health, wasted spending, and future INTELLIGENT growth.

32.2.1G UDOT is legally obligated to look into and even fund alternative solutions such as the Shared Solution. Please do so. Please listen to the needs and wants of our community and its citizens. Please and thank you for your time.

Allison Morgan

Comment 965

Response Section in Chapter 32 ➥

Comment #: 965
Date: 9/6/2013
Source: Email
Name: Pat & Heber Mower
Location: Kaysville
Comments:

Dear Sirs:

32.2.13B We firmly support the Glover Lane extension to Legacy Highway in as much as Shepard lane is such a busy road already. Did you now that we have 3 schools below Shepard Lane and our road is used by buses, cars, trucks, walker and joggers and so many bikers already? We live on Shepard Lane and know it would be a disaster to funnel more traffic down here.

32.2.6A 32.2.13B Birds are important but people are more important. We hope you will make a fair and decent deciwsion in this matter.

Thank you,

Heber and Pat Mower
and all the neighbors on Shepard Lane

Comment 966

Response Section in Chapter 32 ➥

Comment #: 966
Date: 9/6/2013
Source: Email
Name: Julie and George Bachman
Location: Syracuse
Comments:

32.30B First, I want to express my sincere thanks to Brianne Olsen. She was the most helpful and kind person and she was always there to answer my questions. I didn't always like the answers, but I absolutely felt that Brianne was doing her best to handle any situation and answer every question the best she could. She is great to work with and would always go out her way to help me with many different things regarding the WDC.

Comments on WDC:

32.2.13G I am very disappointed with UDOT's preferred alignment through Syracuse City, Utah, Option B. This will negatively impact more home owners, families, and more schools, more parks, trails and wetlands through Syracuse City.

32.2.1A I think the first step for the future traffic and population growth should be to widen the present I-15 to at least six lanes going in each direction, both North and South.

32.4C I am disappointed the way farmers in the area have used Agriculture Protection Areas to manipulate building roads and not as the laws were intended. In the future, I hope our Utah government and leaders would relook at the laws that govern the APAs so that there would be a stipulation of time that the farm area put into APAs would have to remain in the APA. At the present time, there are no time limits or restraints and they are being widely abused for the wrong reasons and the farmers are using APAs to manipulate any sort of improvements or roads. But, there are no laws to protect the most important things in our community - homes, families and public schools. This is a very big problem and the current APA laws should be relooked at by our government leaders.

Regards,

Julie Bachman
George Bachman
[redacted]

Comment 967

Response Section in Chapter 32 ➥

Comment #: 967

Date: 9/6/2013

Source: Email

Name: Brent Moss

Location:

Comments:

<See photograph and explanation attachments on next pages, titled 00967_Brent_Moss_#0193_9-6-13, 00967_Brent_Moss_#0555_9-6-13, 00967_Brent_Moss_#00568_9-6-13, 00967_Brent_Moss_#0558_9-6-13, 00967_Brent_Moss_#1805_9-6-13, 00967_Brent_Moss_#02607_9-6-13, 00967_Brent_Moss_#02676_9-6-13, 00967_Brent_Moss_Notes_9-6-13>

32.14.3C

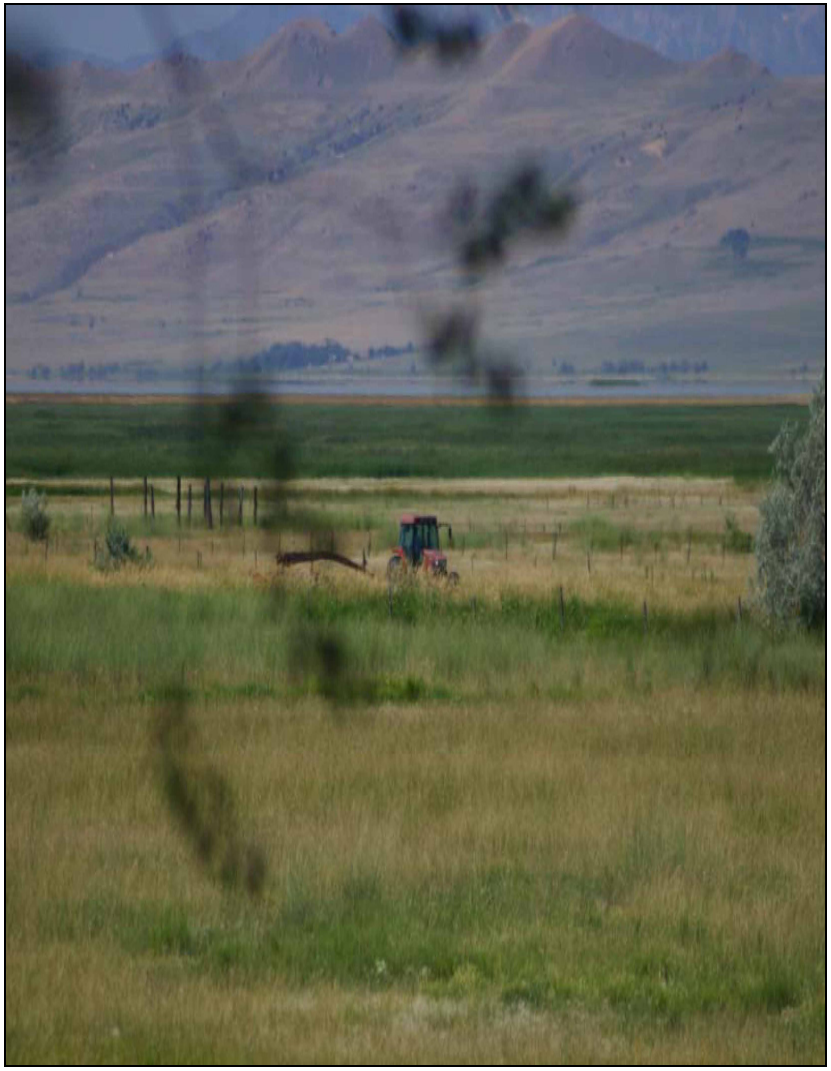
First I am a bird lover! I have lived next to some of the SO Called wetlands for about 60 years. Many are now Smiths Food Kings, Walmart Farm Land, Winter Ranges and , and Homes, The truth is most were never wetlands. Rather flooded areas caused by uncontrolled water ie: tail water or un-capped wells.
Attached is a example which the original owner spent large amounts of time and money to control the tail water and turn a soggy peace of ground into a hay field and a winter range; supporting pheasants, cows horses and farming. Now the land conservancy district owns the land and is not controlling the tail water. It is turning it back to a Mosquito infested bog. Not Very Nice Neighbors
. Bottom-line I think people who have the most to say are least affected by what they say. Please lets just control tail water use it wisely don't just overpay for property then flood it so we can say wetlands. I'm sure the Interior Department is sincere but they don't live next door.
I could not attach all the Photos to big and to many MOSQUITOES to figure it out, but I think you get my drift.

Comment 967 (continued)

Response Section in Chapter 32 ➥

Comment 967 (continued)

Response Section in Chapter 32 ➥



Comment 967 (continued)

Response Section in Chapter 32 ➥

Comment 967 (continued)

Response Section in Chapter 32 ➥

Comment 967 (continued)

Response Section in Chapter 32 ➥

Comment 967 (continued)

Response Section in Chapter 32 ➥

Comment 967 (continued)

Response Section in Chapter 32 ➥

Comment 967 (continued)

Response Section in Chapter 32 ➥

32.14.3C

TAIL WATER NOTES @~ 741 W 3700 S Syracuse (just South, West)

1. 8/21/2012 Called Ross Hansen the State Water engineer and ask about tail water in the West Layton ditch at Bluff road and Gentile (who owned it how could it be claimed) he said to find out who owned it. MR Ross said to call Layton city engineer (Curtis) he said didn't know. I called Syracuse City engineer (Brian) he didn't know either.
2. 9/10/12 I have exhausted all known avenues to find out who owns the subject tail water so I will call Ross tomorrow and ask again how to proceed. But today I put together a slideshow to show how tail water from the West Layton ditch is needlessly changing a hay field/winter range back into a swamp.
   a. Photos before new sewer **7/8/2011 - 7/25/2011 #(9615,9614, 9603, 0193,0038)** show field was a hay field/winter range for 20 years prior to new sewer. Growing hay in this hay field/range is possible because of drying allowed by piping tail water across Gentile from the South side to North side. This and a existing head gate system allowed control the tail water and prevented flooding. Together they turned a swamp to a hay field/winter range in the ~ 1960s.
   b. Photos show how a 3" or 4" fire hose (used to pump excess water from the bottom of the sewer trench, while digging ~30 ft deep to install sewer pipe) produced standing water (9 inches deep) behind man made hill this water produced 4 ft cattails in two months **7/26/2011 – 9/5/2011** #s**(0555, 0568, 0456,0558,9/5/2011compare to 1813 4/17/2012** note same cattail area **)** These pictures show how 9 inches of standing water was generated in just under 2 months with a 3" or 4" inch fire hose. Flow was measured/calculated using a 5 gal bucket and 4 second fill time. **(1.25 per sec x 60 = 75 gal per min x 60 = 4,500 gal per hr x24 = 108,000 gal per day x 365 =39,000,000 gal per year / 12 = 3.285,000 gal per mo)** And that is just one fire hose (always more than just one pipe running). **But with just one hose from Aug 5,2011 thru Sept 23 2011 = 50 days x 108,000 =** 5,400,000 gal, .
   c. Photos show how when the tail water is shut off to dig the rest of the sewer the whole area dried up and the cattails died as soon as the tail water was directed to North side of Gentile and no water pumped from the sewer trench after the pipe was laid. **September 2011 – May 2012** #s(**1805,1813,9614,1949,1861,1913,1914,1916,1937,1926,1957,1963,2603,2607**) **#s 1805&1937 show trucks driving anywhere on subject area.** A pipe laid years ago directs excess water to the North side of Gentile to dry up subject area so hay could be grown, this head gate is never open now. **#2607 SHOWES CLOSED HEADGATE to N. GENTILE.**
   d. On **May 4 2012** the ditch going east was completed and opened **#1975**, and the diversion across Gentile to the North side was (closed and never opened to date) **I estimate tail water flow at least 25 gal per sec x 60=1,500 gal per min x 60 = 90,000 gal per hr x 24 = 2,160,000 gal per day x 360 = 788,400,000 gal per yr /12 = 65,700,000 per mo. Today is Sept,11,2012 so lets say 4 mo x 65,700,000 = 262,800,000 gal to date. Imagine a full 18 in pipe at times more often as crops**

Comment 967 (continued)

Response Section in Chapter 32 ➥

are harvested. (RECOUCALUATING, RECOUCUALTING!!) Photos # (2611,2016, 2587, 2676, 1976,) show flow of tail water as of May, 4, 2012. This flow is not always constant but it is in my opinion that some/most of it could be used for a more productive cause. FOR NOW MORE MISQUITEOS EVERY DAY WHY??? IF THEY WANT ALL THAT WATER PUT IT IN A POND WITH MISQUITEO EATING FISH or LET OTHERS TO CLAIM IT.

e. **I was told the Land Conservancy wants to insure the Legacy Highway is not moved South, six or seven hundred feet to accommodate the Layton Parkway even though this Corridor can be dried by OPENING ONE HEAD GATE.**

Legend: Underlined numbers # are related pictures on another provided/attached disk or file.

Notes:

On Friday 14 Sept 2012 I gave this to Breann of JUB engineering in Kaysville & Salt Lake this document and the underlined picts (on disk) she is submitting to Legacy engineering/wetland study group on Monday.

Called Ross Hansen on 17 Sept 2012 phone tag all week will call on Monday (water has run full pipe non stop from 17 Aug 2012 and as of today 24 Sept 2012 and still going strong so from Aug 17 2012 – 24 Sept 2012 82,080,000 gal since Aug 17 WOW.

Comment 968

Response Section in Chapter 32 ↪

Comment #: 968
Date: 9/6/2013
Source: Email
Name: Mark Holbrook
Location: Farmington
Comments:

Subject: 8 reasons to Avoid GLOVER lane and no to West Davis Corridor

West Davis Team,

32.2.13C Here are the 8 amazing reasons not to go Glover or to Scrap the whole thing:
1-The winter fog is extremely and dangerously heavy in that area and is a safety concern

32.2.13C 2-Farmington City's preferred route that they planned for since the late 90's is no where near Glover lane. Don't you think Farmington City understands what's best for their city and citizens more so that UDOT? Go with what the city suggests

32.2.13C 3-The path taken will run right next to a new Elementary school by Shirley Rae on glover then near a future high school.

32.2.1A 32.11.1A 32.2.2H 4-Winter Red Burn days, we have enough of these already, should we look at mass transit options? Air Quality is horrible IE: Trax lines heading east in Syracuse up then to frontrunner. Our Governor is asking us to drive less, this Freeway says, "DRIVE MORE."

32.2.13C 5-Bird Preserve for humans and birds to get away from the noise of life. That is all gone with this option and can never come back

32.31O 6-I find it interesting that there a many politicians that would benefit more Glove lane option either personally or financially from the Glover Lane option. Looks like dirty politics to me.

32.2.1G 32.11.2A 7-Let's look at a shared solution and scrap the entire 660 million dollar freeway, that will help our future generations avoid cancer, autism, asthma and even death.

32.31R 8-FEDS DON'T APPROVE OF THE WDC: The Feds (Department of the Interior) tell UDOT in no uncertain terms that the Glover Lane alternative is not the LEDPA (least environmentally damaging practicable alternative), as required by the NEPA process. They believe UDOT has not fully considered both direct and indirect environmental impacts to the shores of the Great Salt Lake. They ask UDOT to not only take a harder look at the Shared Solution, but to FUND the Shared Solution. (see attached letter from DOI to UDOT)

Salt Lake Trib article: http://www.sltrib.com/sltrib/politics/56826689-90/alternative-department-freeway-impacts.html.csp

Thank you!

Mark Holbrook
Lakewood Properties, LLC
[redacted]

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